

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-1-25--Z-14-16-8 – 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 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

Mayor's Office (Tony Motola), 11th Floor
City Council (Stephanie Bracken), 11th Floor
Aviation (Jordan D. Feld)
CED (Michelle Pierson), 20th Floor
Fire Prevention (Joel Asirsan), 2nd Floor
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 (Nayeli Sanchez Luna, Laveen Village)
Village Planning Committee Chair (Stephanie Hurd, Laveen Village)



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-1-25--Z-14-16-8

Council District: 8

Request For: Stipulation Modification

Reason for Request: Request to modify Stipulation 1 regarding general conformance with the site plan and elevations date stamped June 21, 2016.

Contact Information

Name	Relationship Type	Address	Phone	Fax	Email
Walter Brown Jr., 59th & Baseline Holdings LLC	Owner	7339 East McDonald Drive, Scottsdale, AZ 85250	6025494173		scott@dpcrc.com
David Openshaw, 4G Development & Consulting, Inc.	Representative	P.O. Box 270571, San Diego, CA 92198	7605838663		dopenshaw@4gdev.com
Erik Baker, Chick-fil-A	Applicant	105 Progress, Irvine, CA 92618	9492851457		erik.baker2@cfacorp.com

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

Acreage: 3.94

Geographic Information

Zoning Map	APN	Quarter Section
D5	104-80-003L	Q1-15
Village: Laveen		

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 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	03/28/25	PHO (1-2 stipulations)



Development & Consulting, Inc

March 28, 2025

Project Name: Chick-fil-A #06059 Baseline Rd & 59th Ave

Project Address: NEC of Baseline Rd & 59th Ave., Phoenix, AZ 85339

Planning Hearing Office Written Request:

PHO Contacts: Byron Easton byron.easton@phoenix.gov | Teresa Garcia Teresa.garcia@phoenix.gov

Summary:

Chick-fil-A (Applicant) proposes to lease approximately 2.378 Acres of undeveloped land located at the North East corner of Baseline Rd and 59th Ave to construct a 4,852 sf free standing restaurant with a double wide drive-thru, 2 drive-thru canopies, and a trash enclosure separated from the building. There will be interior dining with 74 seats provided as well as outdoor dining with 16 seats. The site will have ample parking for both customers and employees with 73 parking stalls provided.

Background & Additional Information:

On 10/12/2016, an ordinance (G-6223) (Zoning Case Z-14-16-8) was approved, which amended the zoning district map adopted pursuant to section 601 of the city of Phoenix ordinance, changing the zoning district classification for this parcel from G-C (Golf Course) to C-1 (Neighborhood Retail) and approved site plan and elevations dated 06/16/2016. The approved site plan contemplated 3 buildings on the parcel: an approximately 400 sf bank building with drive-thru service, and two (2) retail store buildings, 7650 sf and 6650 sf respectively.

The present development proposal would modify the previously approved site plan by replacing the bank and retail buildings with a single free-standing restaurant with a drive-through. Also, the proposed restaurant building would incorporate Chick-fil-A's corporate branding elements with the previously approved building designs.

See attached proposed site plan and building elevations, dated February 17, 2025 and November 13, 2024, respectively.

Discretionary approvals anticipated for this proposal will include a Re-plat to create a separate parcel for the Chick-fil-A tenant.

Original Stipulation 1:

(ZONING CASE Z-14-16) Stipulation 1: The development shall be in general conformance with the site plan and elevations date stamped June 21, 2016, except as modified by the following stipulations and as approved by P&D Dept.



Development & Consulting, Inc

Request:

We are requesting a modification to Stipulation 1 of Ordinance G-6223, Zoning Case Z-14-16, as follows:

The development shall be in general conformance with the site plan ~~date stamped February 17, 2025~~ and elevations date stamped ~~November 13, 2024~~ ~~June 21, 2016~~, except as modified by the following stipulations and as approved by P&D Dept.

ORDINANCE G-6223

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-14-16-8) FROM G-C (GOLF COURSE) TO C-1 (NEIGHBORHOOD RETAIL) WITH ALL UNDERLYING USES.

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

SECTION 1. The zoning of an approximately 12.52 acres property located at the northeast corner of the 59th Avenue alignment and Baseline Road in a portion of Section 32, Township 1 North, Range 2 East, as described more specifically in Attachment "A," is hereby changed from "GC" (Golf Course) to "C-1 (Neighborhood Retail).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Attachment "B."

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations,

violation of which shall be treated in the same manner as a violation of the City of

Phoenix Zoning Ordinance:

Mod

- ① The development shall be in general conformance with the site plan and elevations date stamped 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. The developer shall notify the following individuals by mail 15 days prior to any of the 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
- 15. All cellular communication facilities shall be building mounted or internal to the cross.
 - 16. The developer shall provide minimum 3-inch caliper trees, placed 20-feet on center or in equivalent groupings, within the eastern 560 feet of the northern landscape setback, as approved by the Planning and Development Department.
 - 17. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 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.
 - 18. The Development shall not include any underground fuel storage tanks, as approved by the Planning and Development Department.

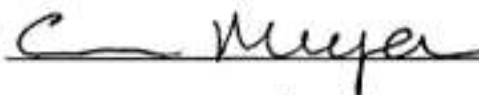
SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 5th day of October,
2016.



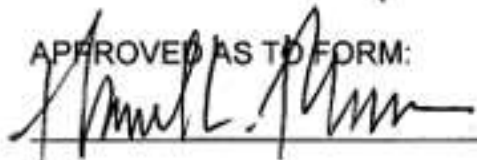
ACTING MAYOR

ATTEST:

 City Clerk



APPROVED AS TO FORM:

 Acting City Attorney pm /

REVIEWED BY:

 City Manager

PL:lmf:1266769v1: (CM81)(Item #83) - 10/5/16

Attachments:

- A - Legal Description (1 Page)
- B - Ordinance Location Map (1 Page)

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-14-16-8

(PER DEED AS RECORDED IN DOCUMENT No. 2011-0988070, M.C.R.)

LEGAL DESCRIPTION OF DEVELOPMENT PARCEL No. 3

(THIS IS THE PROPERTY SO DESIGNATED IN DOCUMENT #2011-0279712 BUT DESCRIBED IN TWO PARTS AS PARCEL 1 AND PARCEL 2 AND HEREIN DESCRIBED CONTINUOUSLY AND WITH MATHEMATICAL ERROR CORRECTED).

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 1 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF THE WEST 33 FEET OF SAID SOUTHWEST QUARTER WITH THE NORTH LINE OF THE SOUTH 60 FEET OF SAID SOUTHWEST QUARTER;

THENCE NORTH 00 DEGREES 50 MINUTES 31 SECONDS WEST ALONG SAID EAST LINE OF THE WEST 33 FEET OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 565.03 FEET;

THENCE NORTH 89 DEGREES 42 MINUTES 37 SECONDS EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SAID SECTION 32 FOR A DISTANCE OF 562.62 FEET;

THENCE SOUTH 00 DEGREES 17 MINUTES 23 SECONDS EAST 135.00 FEET;

THENCE NORTH 89 DEGREES 42 MINUTES 37 SECONDS EAST 163.30 FEET;

THENCE SOUTH 00 DEGREES 17 MINUTES 23 SECONDS EAST 86.00 FEET;

THENCE NORTH 89 DEGREES 42 MINUTES 37 SECONDS EAST 288.40 FEET;

THENCE SOUTH 00 DEGREES 17 MINUTES 23 SECONDS EAST 344.00 FEET TO THE NORTH LINE OF THE SOUTH 60 FEET OF SAID SOUTHWEST QUARTER OF SAID SECTION 32;

THENCE SOUTH 89 DEGREES 42 MINUTES 37 SECONDS WEST ALONG SAID NORTH LINE A DISTANCE OF 1008.88 FEET TO THE POINT OF BEGINNING.

ORDINANCE LOCATION MAP

ATTACHMENT B

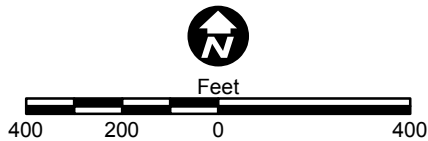
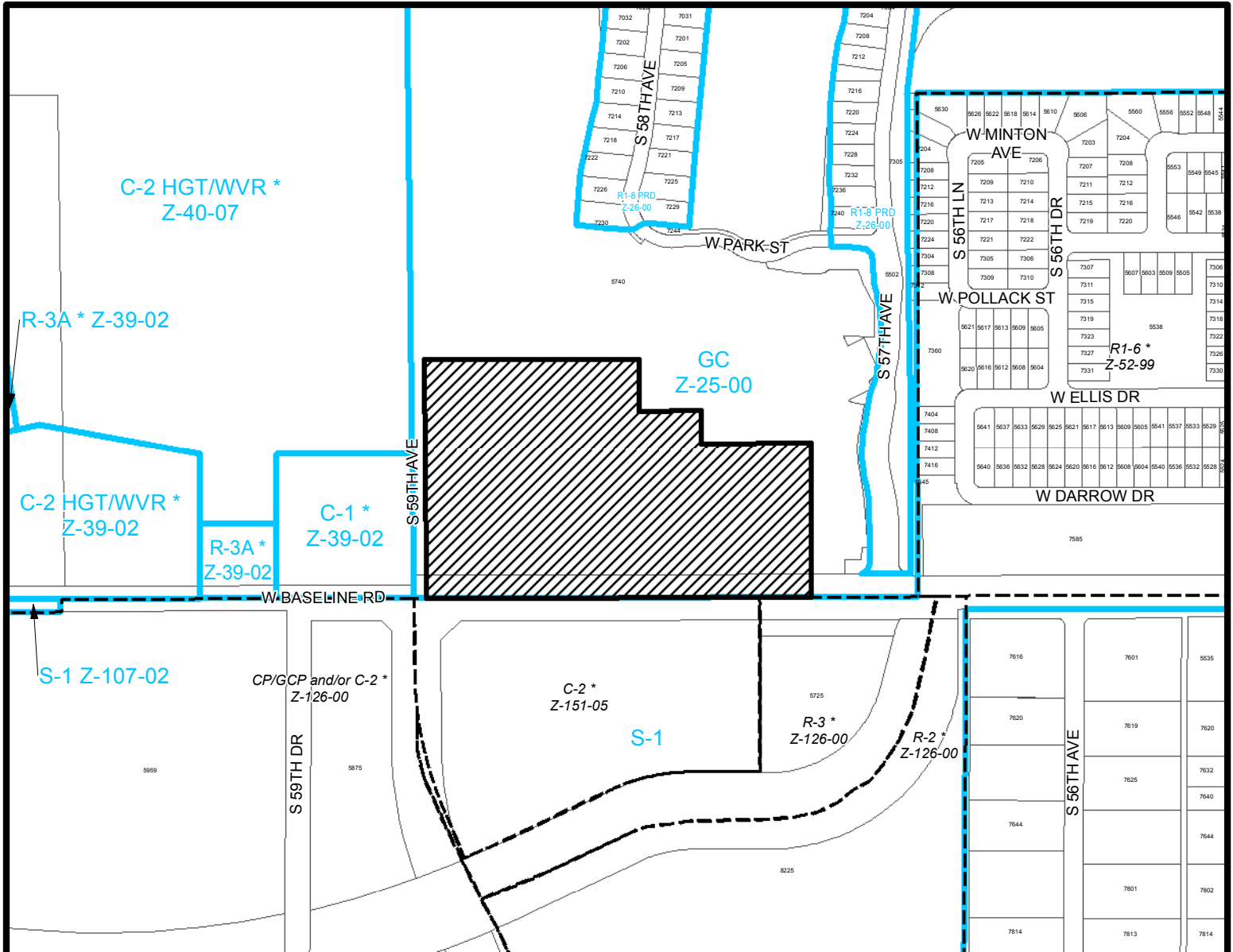
ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ■■■■:

Zoning Case Number: Z-14-16-8
Zoning Overlay: N/A
Planning Village: Lavesen



NOT TO SCALE

Drawn Date: 9/8/2016

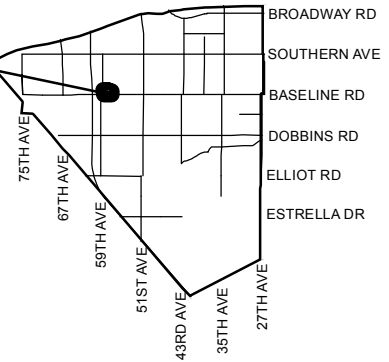


LAVEEN VILLAGE
CITY COUNCIL DISTRICT: 8



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

Z-14-16



APPLICANT'S NAME: Larry Lazarus, Lazarus, Silvyn & Bangs

APPLICATION NO. Z-14-16

GROSS AREA INCLUDING 1/2 STREET
AND ALLEY DEDICATION IS APPROX.

12.52 Acres

DATE: 3/30/16
REVISION DATES:

**AERIAL PHOTO &
QUARTER SEC. NO.** QS 1-15
ZONING MAP D-5

REQUESTED CHANGE:

FROM: GC (12.52 a.c.)

TO: C-1 (12.52 a.c.)

MULTIPLES PERMITTED

GC

C-1

CONVENTIONAL OPTION

N/A

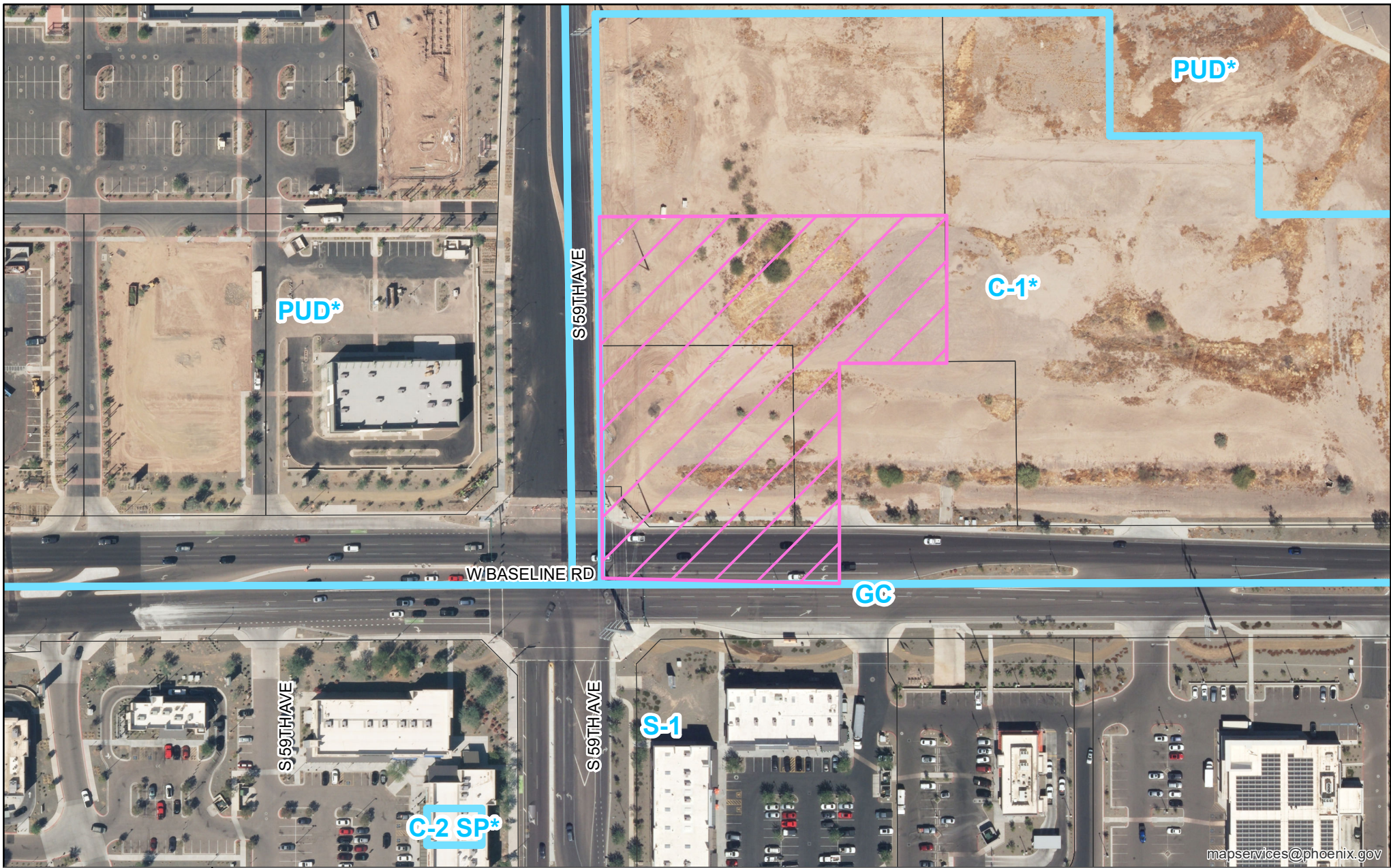
181

*** UNITS P.R.D. OPTION**

N/A

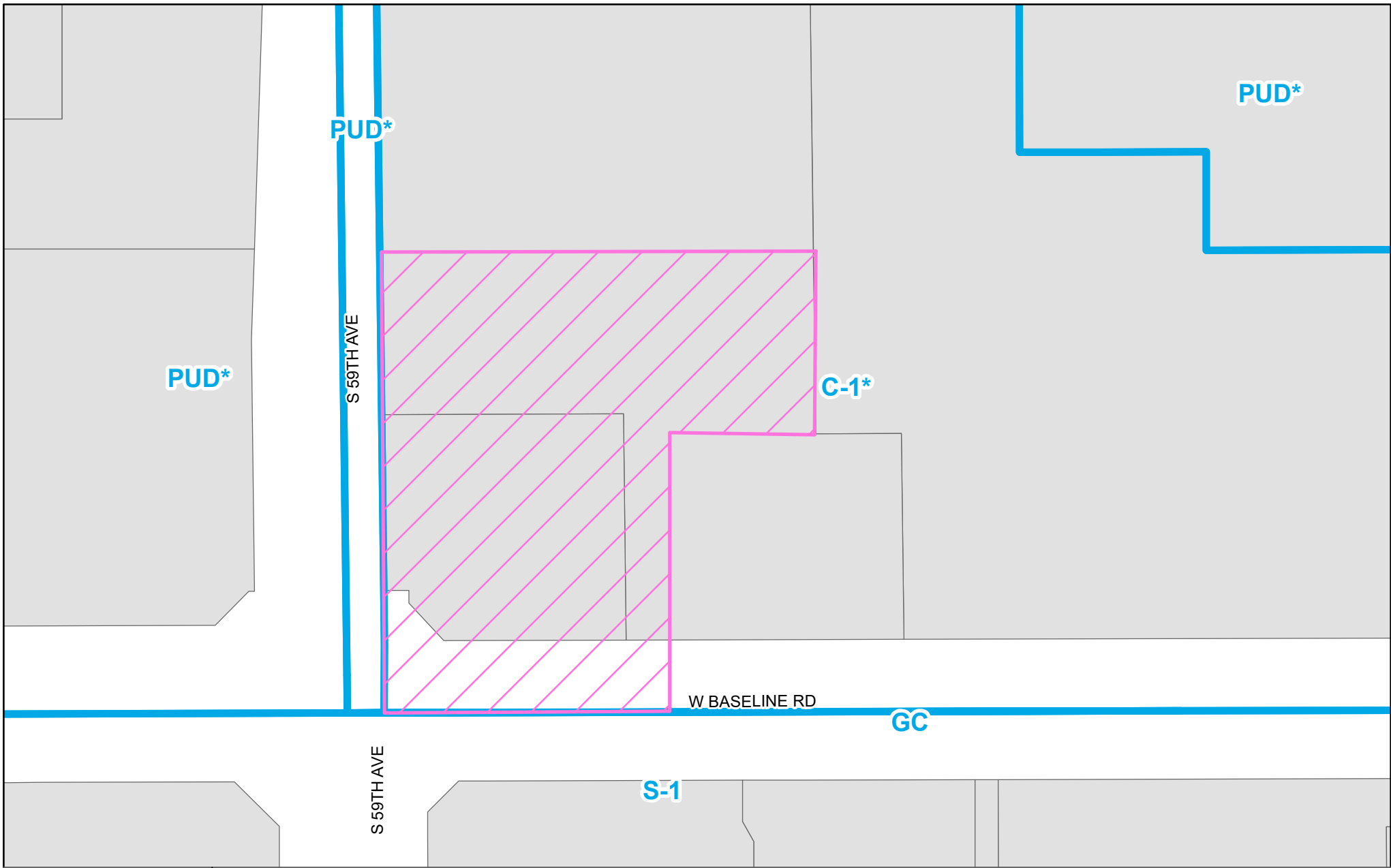
218

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



PHO-1-25--Z-14-16-8

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



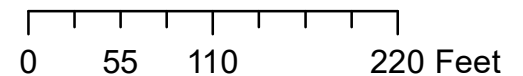
PHO-1-25--Z-14-16-8

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



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department



1/27/2025 4:02:09 PM Autodesk Docs://AZ_06059_Baseline Rd & 59th Ave FSU_2024.11_FSR/06059_Baseline Rd & 59th Ave FSU_ARC.rvt
10-SE-06059-A-301C-EXTERIOR ELEVATIONS

D4 EXTERIOR ELEVATION
1/4" = 1'-0"



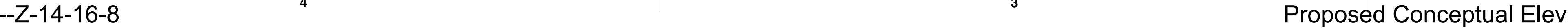
C4 EXTERIOR ELEVATION
1/4" = 1'-0"



B4 EXTERIOR ELEVATION
1/4" = 1'-0"



A4 EXTERIOR ELEVATION
1/4" = 1'-0"



GENERAL NOTES
1. ALL SIGNAGE PROVIDED BY OTHERS
2. REF FLOOR PLAN AND WINDOW LEGEND FOR STOREFRONT INFORMATION

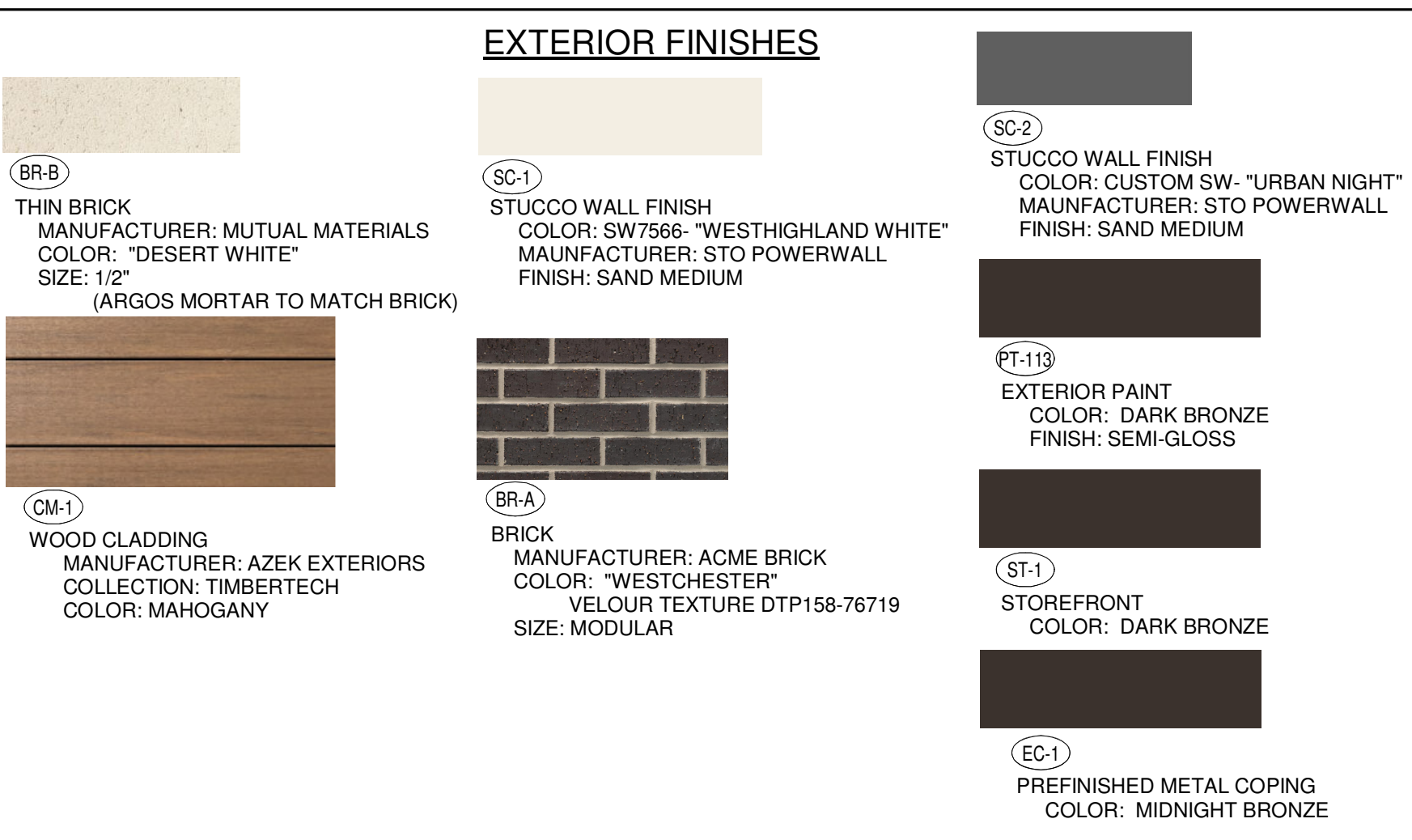
Mark	Description	Count	Overall Width	Overall Depth	Tie Back Mounting (Offset From Top)	Integral Lighting
C1-C	Exterior Canopy	10	6'-4"	1'-0"	0"	No
C4-B	Exterior Canopy	2	5'-4"	4'-0"	2'-4"	Yes
C4-L	Exterior Canopy	1	28'-0"	4'-0"	2'-4"	Yes
C5-A	Exterior Canopy	1	13'-4"	5'-0"	2'-4"	Yes
Grand total		14				

CANOPY NOTES:
BUILDING MOUNTED CANOPIES
- 8" THICK CANOPY
- KYNAR FINISH OF STRUCTURE, FASCIA, & DECKING TO MATCH (CP-1)
COLUMN MOUNTED CANOPIES
- 10" THICK CANOPY
- FINISH OF STRUCTURE TO BE (CP-1)
- FINISH OF DECKING TO BE (CP-2)

ATTACHED CANOPY SCHEDULE BN

APPROVED BRICK ALTERNATES (SEE NATIONAL ACCOUNTS LIST FOR CONTACT INFORMATION)					
FINISH	MANUFACTURER	MODEL	MORTAR	PLANT LOCATION	PREFERRED REGION(S)
BR-A (PRIMARY BRICK)					
BR-02	ACME BRICK	PALOMA GRAY	ARGOS, SAN TAN	ELGIN, TX	SOUTHWEST
BR-18	MUTUAL MATERIALS	IMPERIAL GRAY	ARGOS, SAN TAN	MICA, WA	WEST
BR-20	GLEN-GERY	KHAKI MATT	ARGOS, SAN TAN	CHESWICK, PA	ATLANTIC, NORTHEAST, MIDWEST
BR-30	CHEROKEE BRICK	LIGHT GRAY SMOOTH	ARGOS, SAN TAN	MACON, GA	SOUTHEAST
BR-B (ACCENT BRICK)					
BR-03	ACME BRICK	RUSTIC WHITE	ARGOS, SAN TAN	MALVERN, AR	SOUTHWEST
BR-19	MUTUAL MATERIALS	DESERT WHITE	ARGOS, SAN TAN	MICA, WA	WEST
BR-26	GLEN-GERY	WHITEHALL	ARGOS, SAN TAN	CHESWICK, PA	ATLANTIC, NORTHEAST, MIDWEST
BR-31	CHEROKEE BRICK	OATMEAL SMOOTH	ARGOS, SAN TAN	MACON, GA	SOUTHEAST

FINISH SCHEDULE - EXTERIOR							
MARK	DESCRIPTION	MANUFACTURER	MODEL NAME	MODEL NUMBER	COLOR	NOTE	
BR-A	BRICK VENEER (PRIMARY)	*	MODULAR	*	*	SEE APPROVED BRICK ALTERNATES	
BR-B	BRICK VENEER (ACCENT)	*	MODULAR	*	*	SEE APPROVED BRICK ALTERNATES	
CM-1	WOOD COMPOSITE MATERIAL	RESYSTA INTERNATIONAL	FACADE CLADDING 7CH	RESP340812	C02, PALE GOLDEN		
CP-1	CANOPY METAL FASCIA		DURA COAT	DC19ST-2703	DARK BRONZE	OIL RUBBED BRONZE METALLIC TEXTURE PVD	
CP-2	CANOPY METAL DECK				WHITE	SMOOTH WHITE, HIGH GLOSS	
EC-1	PARAPET WALL COPING	DUROLAST / EXCEPTIONAL METALS			MIDNIGHT BRONZE		
PT-100	EXTERIOR PAINT	SHERWIN WILLIAMS	SHER-CRYL HIGH PERFORMANCE ACRYLIC #B66-350	SW 2807	ROOKWOOD	REFUSE ENCLOSURE. FINISH: SEMI-GLOSS ON DOOR FRAMES, SATIN ON WALLS	
PT-113	EXTERIOR PAINT	SHERWIN WILLIAMS	SHER-CRYL HIGH PERFORMANCE ACRYLIC #B66-350	SW BRONZETONE	DARK BRONZE	FINISH: SEMI-GLOSS	
SC-1	STUCCO	STO	POWERWALL		WESHIGHLAND WHITE	FINISH: SAND MEDIUM	
SC-2	STUCCO	STO	POWERWALL		HARDWARE	FINISH: SAND MEDIUM	
ST-1	STOREFRONT	YKK	YES 45		DARK BRONZE (MATTE)		



CORE STATES GROUP
CORESTATES INC.
135 Water Street
Ste 201
Naperville, IL 60540
www.core-states.com

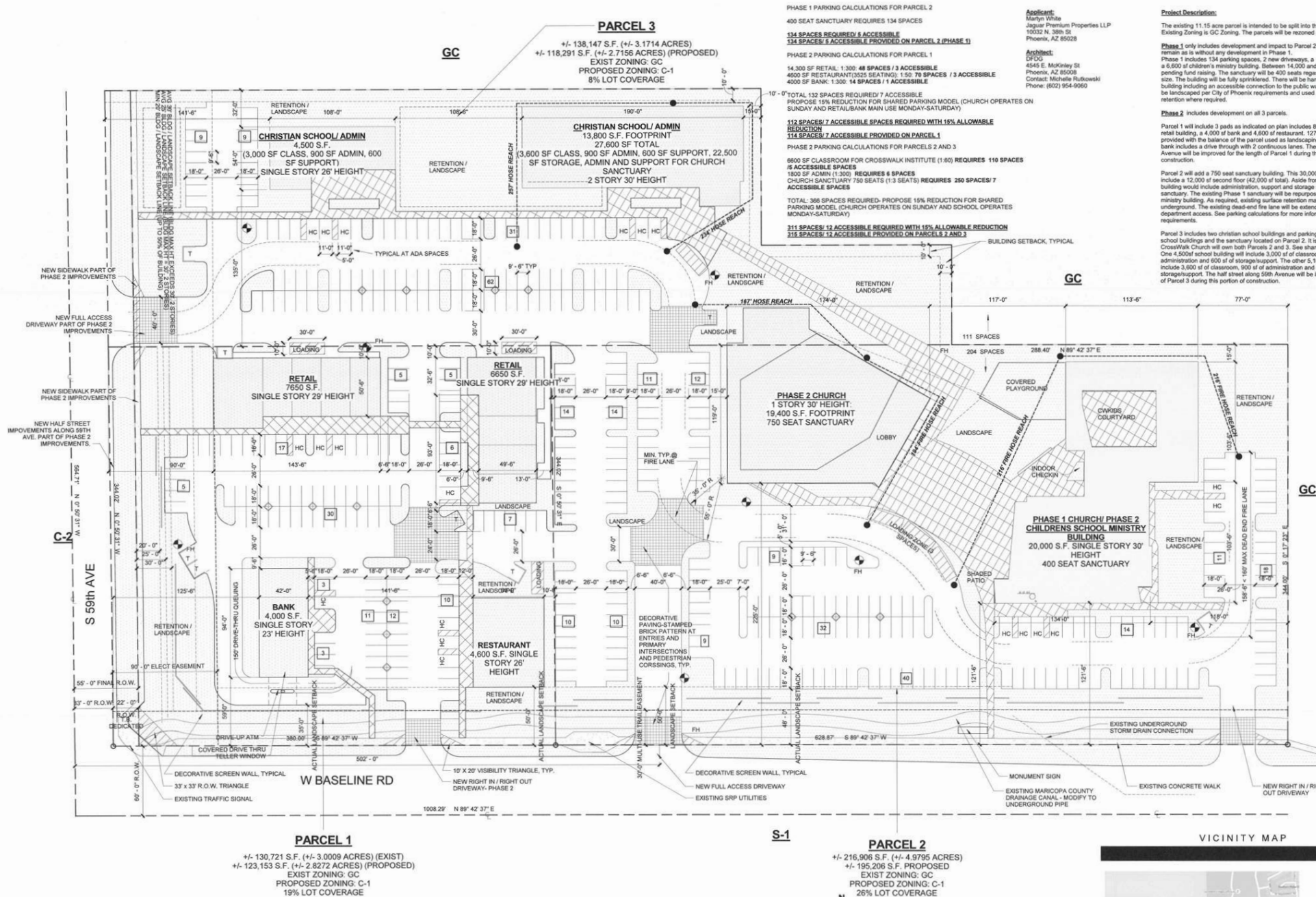
CITY OF PHOENIX
MAR 05 2025
Planning & Development Department

CHICK-FIL-A
BASELINE RD & 59 AVE FSU
Baseline Rd & 59 Ave
Phoenix, AZ 85339

FSR#06059
BUILDING TYPE / SIZE: P14 SE BN
RELEASE: 11/13/2024
PRINTED FOR: RD
PROJECT STATUS: RELEASE
REVISION SCHEDULE: NO, DATE, DESCRIPTION

CONSULTANT PROJECT # CFA.06059
DATE 11/13/2024
DRAWN BY RD
SHEET EXTERIOR ELEVATIONS
SHEET

SHEET NUMBER A-301C



DEDC
DICK & FRITSCHE DESIGN GROUP
4545 EAST MCKINLEY STREET
SUITE 100
DOWNEY, CA 90241
TELEPHONE: 902.934.3060
FACSIMILE: 902.934.8934
WWW.DFDG.COM



EXPIRES: 12/31/15

DOCUMENT COMPLETED IN: 2/14

ISSUE

03.07.15 - PRE-APP REV.
06.16.15 - PRE-APP STOPS ADDRESSED

REVISIONS

COTTONFIELDS PLAZA

59TH AVENUE & BASELINE ROAD
LAVEEN, AZ 85339

1539

DPG'S PROJECT NUMBER

Unnamed

PRE-DESIGN

A100G

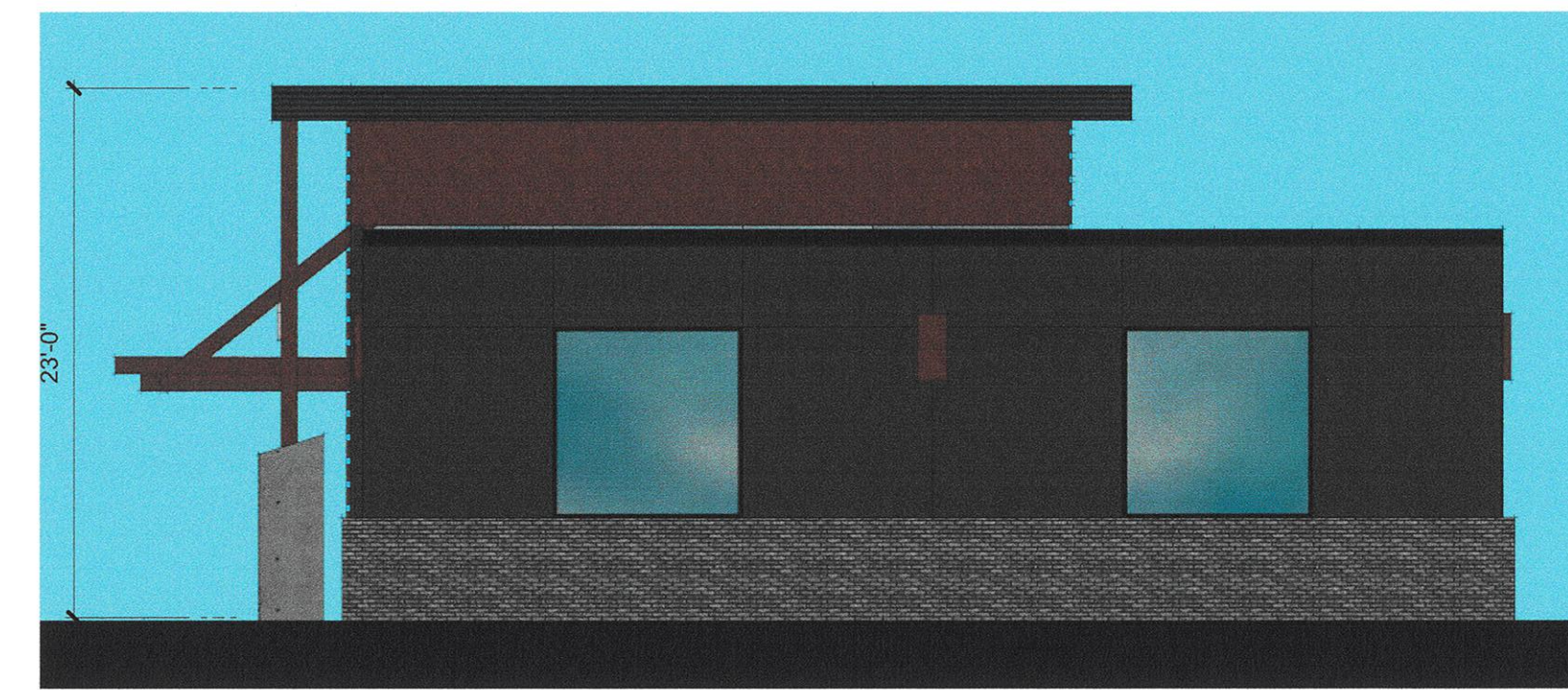
NOTATION: 03/09/14 A100G SHEET NUMBER

LOCATION

private parcels.
lots 1 and 3 will
not encroach and
of will be built
of and will be
ing around the
on of
for the
encroachment
for the
encroachment
on parking
port both the
encroachment
of 3' of
of building will
of
of for the length



1 BANK ELEVATION EAST
1/8" = 1'-0"



2 BANK ELEVATION NORTH
1/8" = 1'-0"





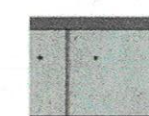






3 BANK ELEVATION WEST
1/8" = 1'-0"



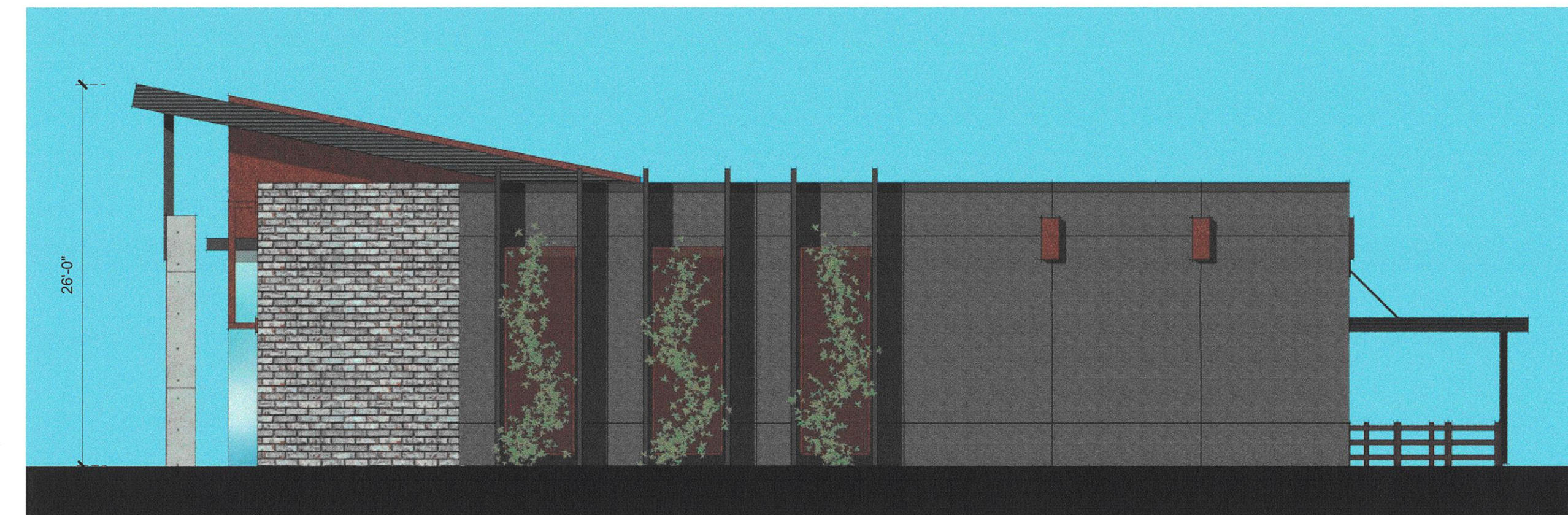
4 BANK ELEVATION SOUTH
1/8" = 1'-0"

MATERIAL LEGEND

-  INTEGRAL COLOR CMU, BRICK LOOK
-  RUSTED STEEL TRELLIS
-  SMOOTH STUCCO WITH DECORATIVE REVEALS, STONE COLOR
-  DECORATIVE LIGHT FIXTURE
-  RAW FORMED CONCRETE
-  RUSTED STEEL SLAT WALL
-  CORRUGATED PANELS, RAW STEEL
-  SMOOTH STUCCO WITH DECORATIVE REVEALS, COLOR SAND
-  RUSTED STEEL PANELS



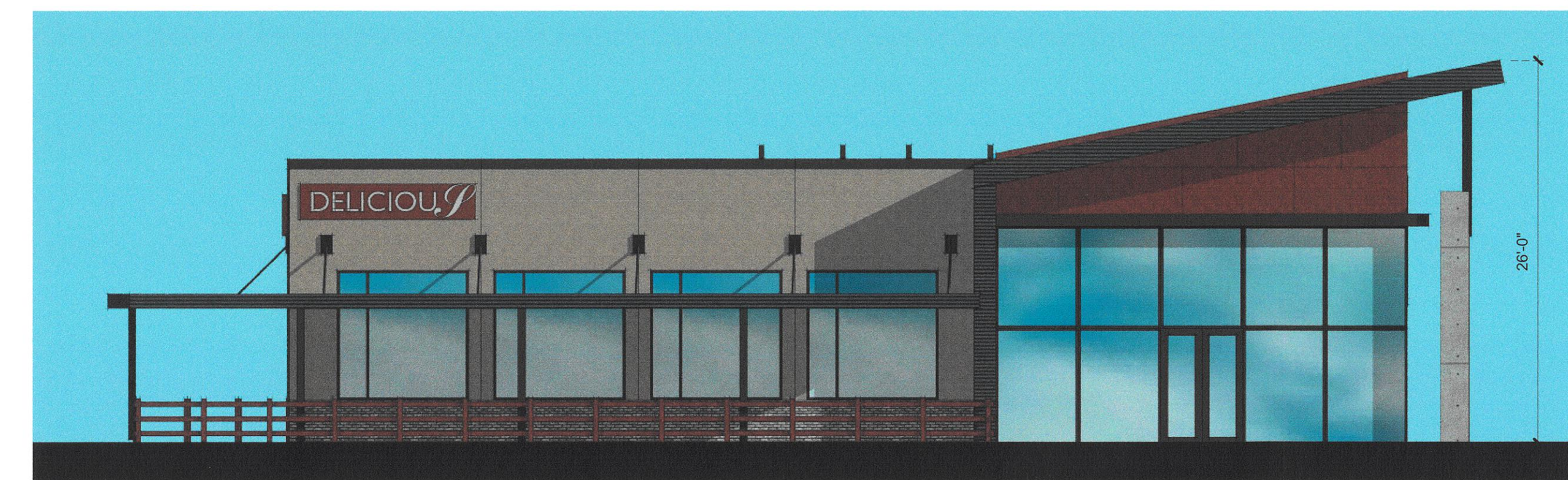
5 RESTAURANT ELEVATION SOUTH
1/8" = 1'-0"



6 RESTAURANT ELEVATION EAST
1/8" = 1'-0"



7 RESTAURANT ELEVATION NORTH
1/8" = 1'-0"



8 RESTAURANT ELEVATION WEST
1/8" = 1'-0"

CITY OF PHOENIX

JUN 21 2016

Planning & Development
Department



1 RETAIL SMALLER SOUTH
1/8" = 1'-0"



2 RETAIL SMALLER EAST
1/8" = 1'-0"



3 RETAIL SMALLER NORTH
1/8" = 1'-0"

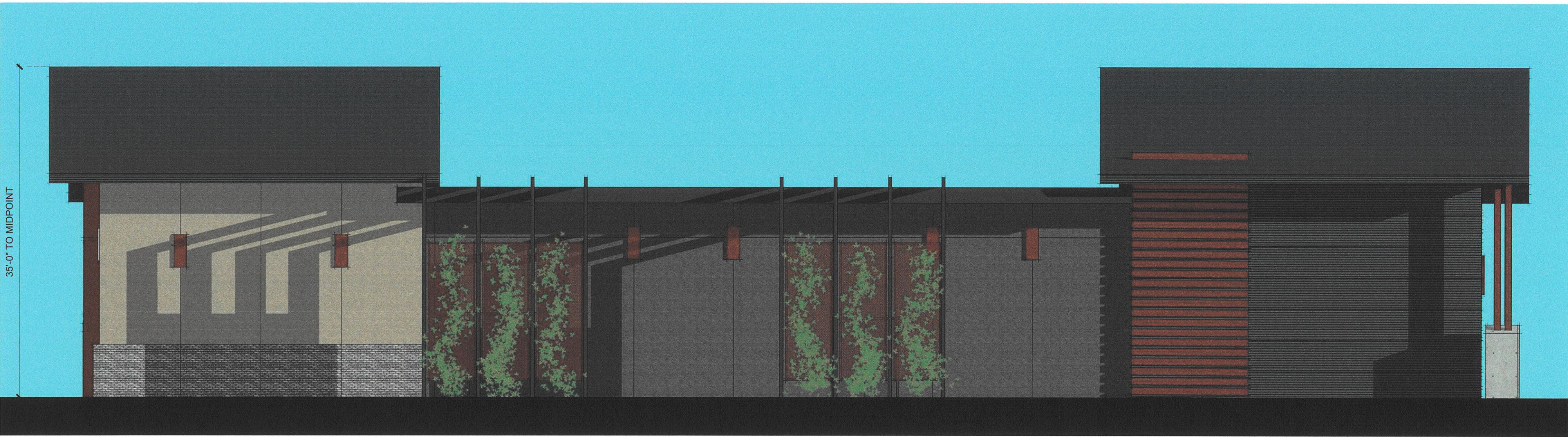


4 RETAIL SMALLER WEST
1/8" = 1'-0"

MATERIAL LEGEND

-  INTEGRAL COLOR CMU , BRICK LOOK
-  RUSTED STEEL TRELLIS
-  SMOOTH STUCCO WITH DECORATIVE REVEALS, STONE COLOR
-  DECORATIVE LIGHT FIXTURE
-  RAW FORMED CONCRETE
-  RUSTED STEEL SLAT WALL
-  CORRUGATED PANELS, RAW STEEL
-  SMOOTH STUCCO WITH DECORATIVE REVEALS, COLOR SAND
-  RUSTED STEEL PANELS

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Planning & Development
Department



1 RETAIL NORTH
1/8" = 1'-0"



2 RETAIL EAST
1/8" = 1'-0"



3 RETAIL SOUTH
1/8" = 1'-0"



4 RETAIL WEST
1/8" = 1'-0"

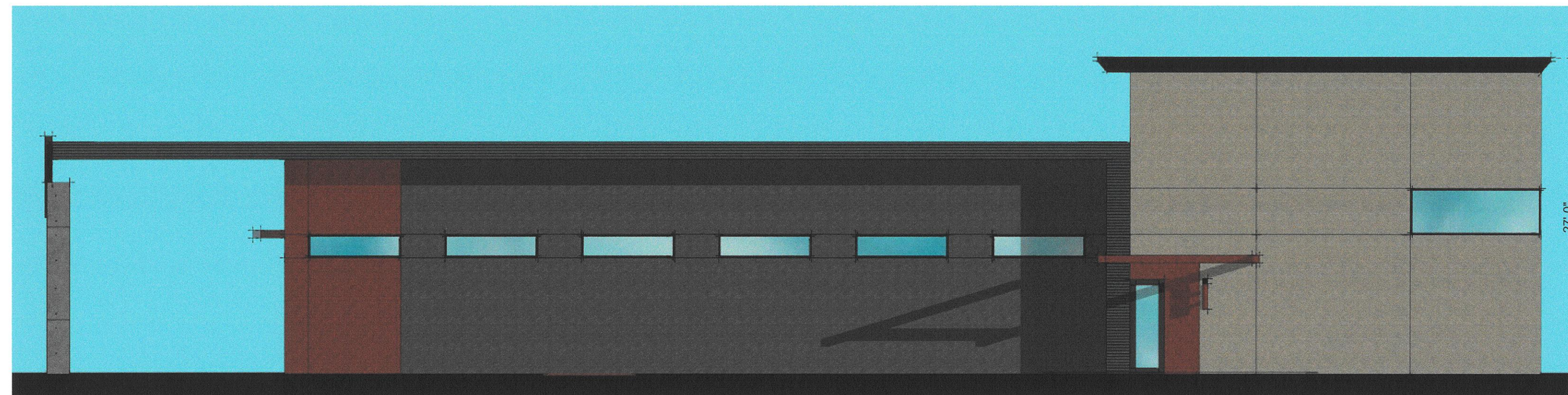
MATERIAL LEGEND

- INTEGRAL COLOR CMU , BRICK LOOK
- RUSTED STEEL TRELLIS
- SMOOTH STUCCO WITH DECORATIVE REVEALS, STONE COLOR
- DECORATIVE LIGHT FIXTURE
- RAW FORMED CONCRETE
- RUSTED STEEL SLAT WALL
- CORRUGATED PANELS, RAW STEEL
- SMOOTH STUCCO WITH DECORATIVE REVEALS, COLOR SAND
- RUSTED STEEL PANELS

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Planning & Development
Department



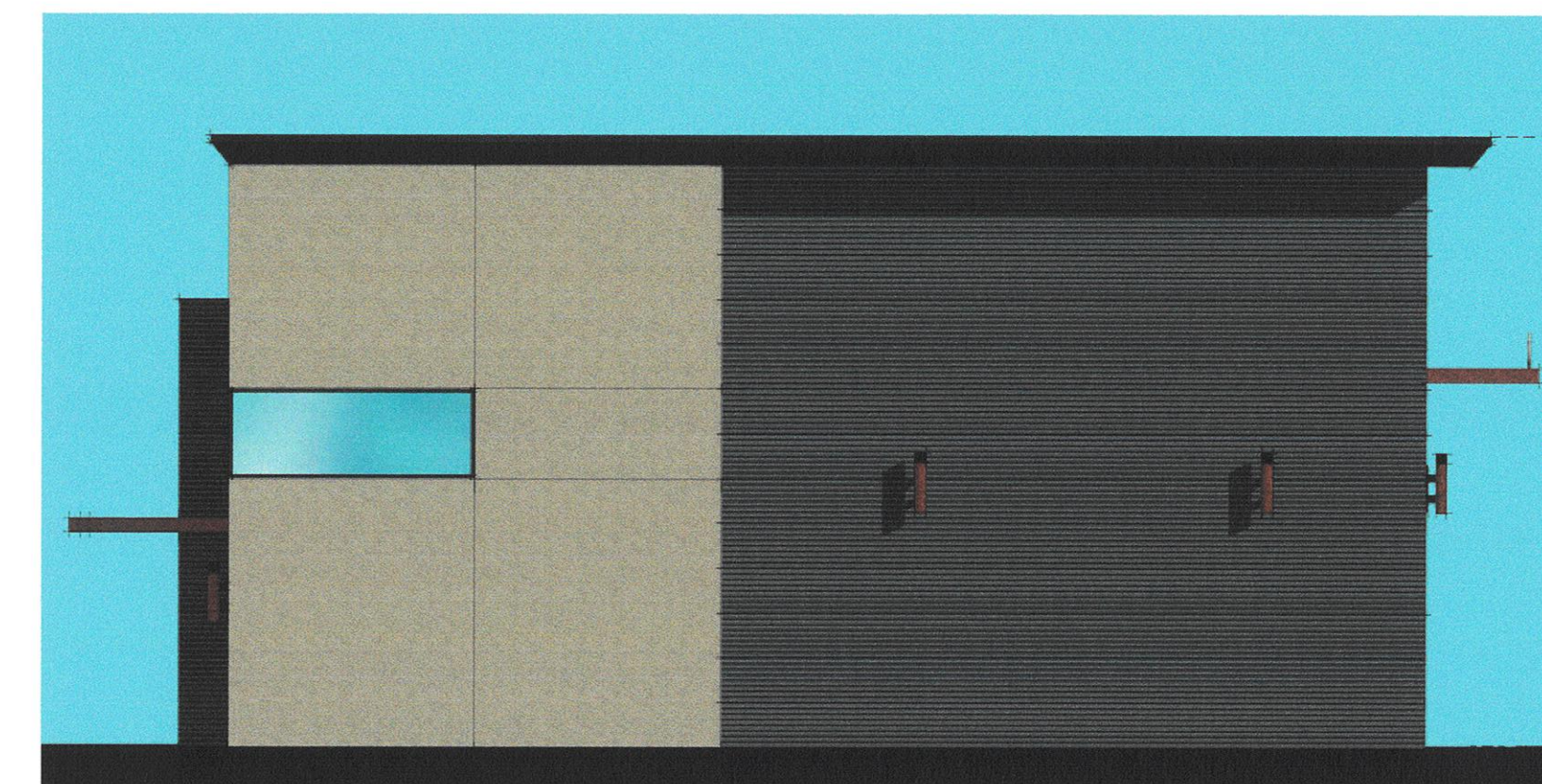
1 CLASSROOM 1 SOUTH
1/8" = 1'-0"



3 CLASSROOM 1 NORTH
1/8" = 1'-0"



2 CLASSROOM 1 EAST
1/8" = 1'-0"

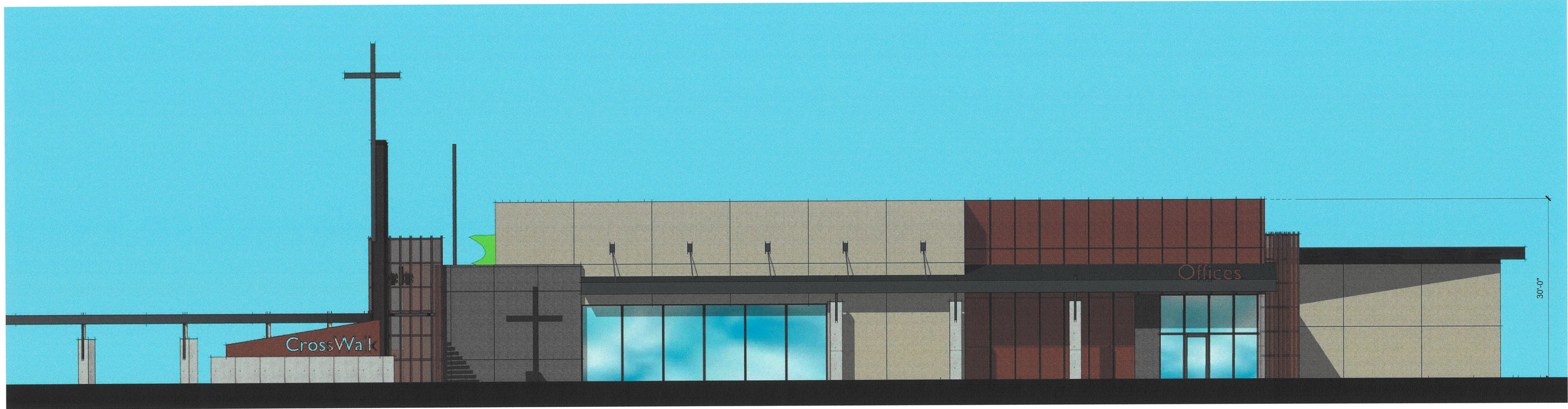


4 CLASSROOM 1 WEST
1/8" = 1'-0"

MATERIAL LEGEND

	INTEGRAL COLOR CMU, BRICK LOOK
	RUSTED STEEL TRELLIS
	SMOOTH STUCCO WITH DECORATIVE REVEALS, STONE COLOR
	DECORATIVE LIGHT FIXTURE
	RAW FORMED CONCRETE
	RUSTED STEEL SLAT WALL
	CORRUGATED PANELS, RAW STEEL
	SMOOTH STUCCO WITH DECORATIVE REVEALS, COLOR SAND
	RUSTED STEEL PANELS

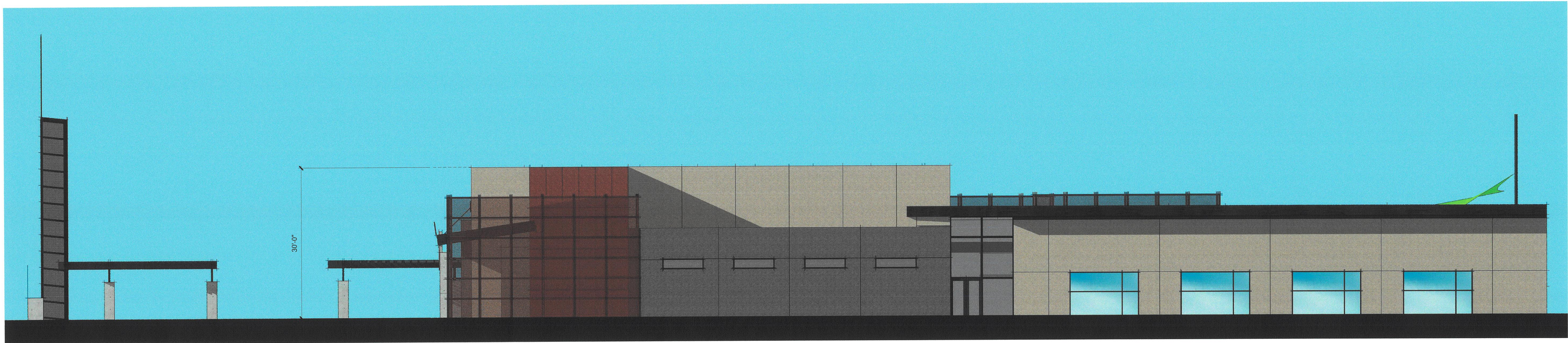
CITY OF PHOENIX
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Department



① PHASE 1 CHURCH SOUTH
3/32" = 1'-0"

MATERIAL LEGEND

	INTEGRAL COLOR CMU , BRICK LOOK
	RUSTED STEEL TRELLIS
	SMOOTH STUCCO WITH DECORATIVE REVEALS, STONE COLOR
	DECORATIVE LIGHT FIXTURE
	RAW FORMED CONCRETE
	RUSTED STEEL SLAT WALL
	CORRUGATED PANELS, RAW STEEL
	SMOOTH STUCCO WITH DECORATIVE REVEALS, COLOR SAND
	RUSTED STEEL PANELS



② PHASE 1 CHURCH EAST
3/32" = 1'-0"

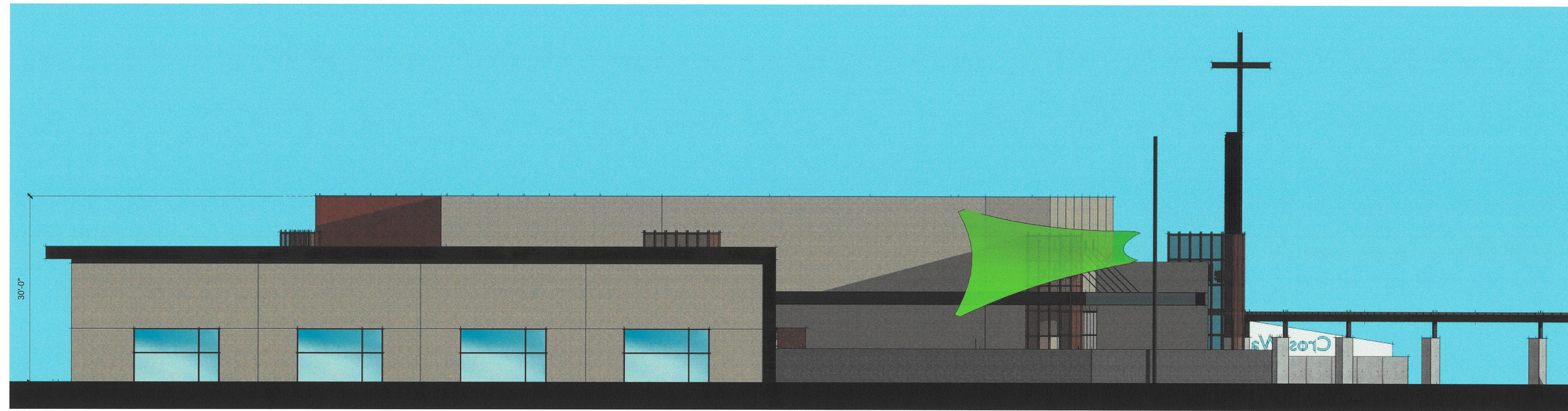
CITY OF PHOENIX

JUN 21 2016

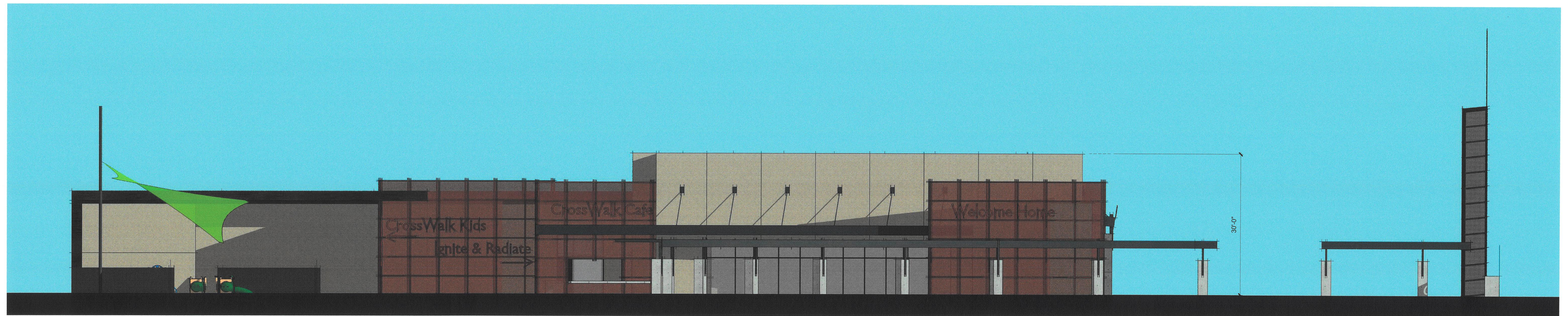
Planning & Development
Department

MATERIAL LEGEND

- INTEGRAL COLOR CMU, BRICK LOOK
- RUSTED STEEL TRELLIS
- SMOOTH STUCCO WITH DECORATIVE REVEALS, STONE COLOR
- DECORATIVE LIGHT FIXTURE
- RAW FORMED CONCRETE
- RUSTED STEEL SLAT WALL
- CORRUGATED PANELS, RAW STEEL
- SMOOTH STUCCO WITH DECORATIVE REVEALS, COLOR SAND
- RUSTED STEEL PANELS



1 PHASE 1 CHURCH NORTH
3/32" = 1'-0"



2 PHASE 1 CHURCH WEST
3/32" = 1'-0"

CITY OF PHOENIX

JUN 21 2016

Planning & Development
Department

DFDG Project No. 1539
PRELIMINARY NOT FOR
CONSTRUCTION
DOCUMENT COPYRIGHTED IN 2015

06.16.16

Hearing Date: May 21, 2025

COTTONFIELDS PLAZA

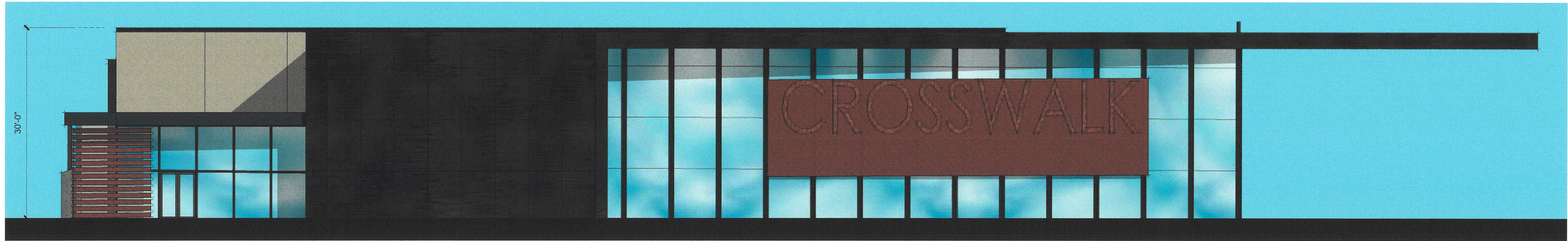
Stipulated Elevations

DFDG
DICK & FRITSCH DESIGN GROUP

• Architecture
• Planning
• Interiors

4545 East McKinley Street
Phoenix, Arizona 85008
Telephone 602.954.9960
Fax 602.954.6954
www.dfdg.com

PHO-1-25--Z-14-16-8



① PHASE 2 CHURCH SOUTH
3/32" = 1'-0"



② PHASE 2 CHURCH EAST
3/32" = 1'-0"



③ PHASE 2 CHURCH WEST
3/32" = 1'-0"



④ PHASE 2 CHURCH NORTH
3/32" = 1'-0"

MATERIAL LEGEND

	INTEGRAL COLOR CMU , BRICK LOOK
	RUSTED STEEL TRELLIS
	SMOOTH STUCCO WITH DECORATIVE REVEALS, STONE COLOR
	DECORATIVE LIGHT FIXTURE
	RAW FORMED CONCRETE
	RUSTED STEEL SLAT WALL
	CORRUGATED PANELS, RAW STEEL
	SMOOTH STUCCO WITH DECORATIVE REVEALS, COLOR SAND
	RUSTED STEEL PANELS

CITY OF PHOENIX

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1 CLASSROOM 2 EAST
1/8" = 1'-0"



2 CLASSROOM 2 WEST
1/8" = 1'-0"



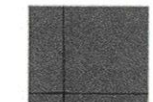
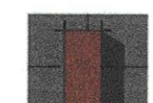


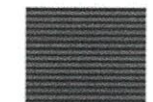




3 CLASSROOM 2 NORTH
1/8" = 1'-0"



4 CLASSROOM 2 SOUTH
1/8" = 1'-0"

MATERIAL LEGEND

-  INTEGRAL COLOR CMU, BRICK LOOK
-  RUSTED STEEL TRELLIS
-  SMOOTH STUCCO WITH DECORATIVE REVEALS, STONE COLOR
-  DECORATIVE LIGHT FIXTURE
-  RAW FORMED CONCRETE
-  RUSTED STEEL SLAT WALL
-  CORRUGATED PANELS, RAW STEEL
-  SMOOTH STUCCO WITH DECORATIVE REVEALS, COLOR SAND
-  RUSTED STEEL PANELS

MATERIAL LEGEND

3" = 1'-0"

CITY OF PHOENIX
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Department

October 5, 2016

MOTION was made by Councilman Waring, **SECONDED** by Councilwoman Stark, that Item 82 be approved per Planning Commission's recommendation and to adopt the related ordinance.

Roll Call:	Ayes:	DiCiccio, Nowakowski, Pastor, Stark, Valenzuela, Waring, Williams, Vice Mayor Gallego, and Mayor Stanton
	Nays:	None
	Absent:	None

MOTION CARRIED UNANIMOUSLY.

ITEM 83

DISTRICT 8

**PUBLIC HEARING -
ORDINANCE G-6223 -
Z-14-16-8 -
NORTHEAST CORNER OF THE
59TH AVENUE ALIGNMENT
AND BASELINE ROAD**

The Council heard request to hold a public hearing on the rezoning for the following item to consider adopting the Planning Commission's recommendation and the related Ordinance if approved.

Application:	Z-14-16-8
From:	GC (Golf Course)
To:	C-1 (Neighborhood Retail)
Acreage:	12.52
Location:	Northeast corner of the 59th Avenue alignment and Baseline Road
Proposal:	Retail, including a bank, restaurant and church
Applicant:	Larry Lazarus, Lazarus, Silvyn & Bangs
Owner:	Jaguar Premium Properties, LLC
Representative:	Larry Lazarus, Lazarus, Silvyn & Bangs
Staff:	Approval per the Planning Commission recommendation.
VPC Action:	<u>Laveen</u> – August 8, 2016 – Approved, per staff stipulations with nine (9) additional stipulations. Vote: 8-4.
PC Action:	September 1, 2016 – Approved, per the memo from Xandon Keating dated August 31, 2016, with an additional stipulation.

October 5, 2016

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

1. The development shall be in general conformance with the site plan and elevations date stamped 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 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.

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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. The developer shall notify the following individuals by mail 15 days prior to any of the 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

October 5, 2016

- 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

October 5, 2016

- 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

October 5, 2016

- 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

October 5, 2016

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

15. All cellular communication facilities shall be building mounted or internal to the cross.
16. The developer shall provide minimum 3-inch caliper trees, placed 20-feet on center or in equivalent groupings, within the eastern 560 feet of the northern landscape setback, as approved by the Planning and Development Department.
17. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 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.

Mayor Stanton advised a staff report would be heard followed by 20 minutes of testimony on both sides from the public.

Planning and Development Director Alan Stephenson stated this was a rezoning request from golf course to C-1 neighborhood retail to allow retail uses and a church for a 12.52-acre parcel located at 59th Avenue and Baseline Road, within close proximity to the future Loop 202 freeway. He displayed the proposed site plan that showed the church was located on the eastern portion while the retail use was on the western portion of the site along with projected elevations. This request was approved by the Laveen Village Planning Committee and the Planning Commission. He conveyed there was a recent memo with added stipulations regarding additional notification to folks, view fencing to the north, and underground fuel tanks not permitted on this parcel. Staff recommended approval pursuant to the memo and adoption of the related ordinance.

October 5, 2016

Mayor Stanton declared the public hearing open.

Mr. Larry Lazarus indicated this proposal had been discussed at several team meetings, including a neighborhood open house, as well as the Laveen Village Planning Committee and Planning Commission hearings over the past approximately 14 months. He explained this empty field was within 900 feet of the new freeway with existing commercial surrounding the property. Three acres would be small boutique stores, plus a bank and possibly a restaurant. He continued eight acres would be CrossWalk Church which would be done in two phases. He emphasized this proposal met all of the core value requirements of the General Plan by eliminating a vacant parcel and connecting people with resources. Also, this would be a good transition from the freeway in that there was existing large commercial to a small boutique center, a church, and golf course behind the property.

Mr. Lazarus remarked he worked with the community pertaining to the requirements of the design study as well as the Laveen area plan. Further, he addressed several items brought up by the Laveen Citizens for Responsible Development (LCRD), such as site plans, plant pallets, and architectural character. He displayed several renderings of this project, noting a previous proposal was withdrawn in 2008 that was much denser and had a gas station. The current proposal was less dense and created internal pedestrian movement. He concurred with staff's recommendation and the related stipulations.

Pastor Jeff Hurst asked everyone in favor of this project to stand. He believed this was a low impact proposal surrounded by similar types of development; however, he wanted to make a high impact in the Laveen and South Phoenix communities. The people in this community had already gathered funds to purchase the first five acres of the property through their own generosity and a grant, so he encouraged the Council to approve the rezone of this property.

Ms. Tamara Cowan, a 15-year resident of the Cottonfields community in Laveen, had seen a lot of changes, particularly along the Baseline corridor. She was an advocate of development and expressed Laveen had a unique opportunity to grow while retaining its rural charm and expansive open spaces. She was excited about this proposed development as well as the plans for the new practice facility at the golf course and asked for Council's approval of this application.

Councilman Waring temporarily left the voting body.

October 5, 2016

Mr. Leonard Walker, a 13-year resident of the Cottonfields community, spoke in support. He had seen many changes with the golf course and noted it was not profitable as most balls were given as enticement to tournaments. He understood the new owner planned to build a warm-up area similar to other driving ranges. He hoped the 202 extension would create business opportunity and jobs as well as increase the tax base for Laveen and Phoenix. Residents had attempted to improve the community with businesses like the golf academy, urgent care centers, and restaurants but they were turned down. He did not want the golf course to close before the completion of the new freeway and urged that Council vote in favor of progress.

Councilman Waring returned to the voting body via telephone.

Mr. Al Martinez, president of the homeowners association in the gated subdivision behind this project, spoke in favor. His community struggled with the decision of rezoning and had discussed it at great length for the past 14 months with the golf course owner, developer, and pastor of the proposed church. The thought of someone building on this land and the community could pick its neighbors was exciting. He also liked that the current golf course owner would be building a warm-up area and netted driving range. He commented the church would not be visible to residents that had rear view fencing of the golf course. Besides, the church would be a buffer to the new freeway and future commercial properties. He said a majority of his community wanted to see progress and the church could be a great addition to the Laveen area. Also, the soft retail and jobs would be a welcome site to what was currently there, so he requested Council vote for the rezoning.

Mr. Phil Hertel spoke on behalf of the LCRD in support. He noted the LCRD spent time working with the applicant on this project and the community voiced their legal concerns and HOA issues. However, the LCRD did not get involved with legal issues but did talk about development so he came up with a Plan B. He conveyed if this project was built it would be good for the community, but if the residents won their legal case it would not get developed. He pointed out there were stipulations created during this process that the applicant, developer, LCRD, and those opposed and in favor agreed to and should be part of this plan as it showed the intent. He provided a handout with the stipulations to Council and urged them to approve this case with those stipulations intact.

Councilman Waring returned to the dais.

October 5, 2016

Mayor Stanton stated speaker comment cards were submitted in favor by the following individuals:

Mr. David Pawlowski	Mr. Thomas Weinstein
Mr. Gary Jorgensen	Mr. Chase Fellhoelter
Mr. Jeff Gunn	Ms. Maureen Johnson
Ms. Julie Gunn	Ms. Loren Johnson
Mr. Joda Schaumberg	Mr. Ralph Padilla
Mr. Jon Kimoto	Ms. Sylvia Padilla
Mr. Dan Solofra	Mr. LaVon Henbrock
Mr. Phil Bischoff	Ms. Myrtle Hall
Ms. Rachel Bischoff	Ms. Gloria Warner
Mr. Tom Metzger	Mr. Ralph Pierce
Ms. Karen Giroux	Ms. Linda Pierce
Ms. Carol Jacques	Ms. Lisa Shimp
Mr. Harry Tolliver	Mr. Daniel Loper
Ms. Carolyn Tolliver	Ms. Shelby Loper
Ms. Michelle Malone	Mr. Stephen Loper
Ms. Juanita Walker	Ms. Sarah Loper
Ms. Ann Bradford	Ms. Rebecca Loper
Ms. Aracely Salazar	Mr. William Cowan
Ms. Alyssa Salazar	Ms. Merla Rimpel
Ms. Diane Davis	Ms. Erica Delgado
Mr. Stephen Bischoff	Ms. Maggie Lam
Ms. Alexandra Almada	Mr. David Glodowski
Ms. Jessica Aylesworth	Ms. Bethany Sharrock
Mr. Brian Dover	Mr. Matthew Cook
Ms. Mary Dover	Mr. Stephen Heitz
Mr. David Dover	Mr. Tom Press
Ms. Adeline Handy	Mr. John Enter
Ms. Judith Sivert	Mr. Robert Penton
Mr. Robert Fryberger	Mr. Eric Baim
Ms. Katie Behm	Mr. James Deibler
Mr. Jonathan Favorite	Mr. James Hinckley
Mr. Jason Paltzer	

Mayor Stanton temporarily left the voting body. Vice Mayor Gallego assumed the Chair.

October 5, 2016

Ms. Yolanda Gutierrez and Ms. Bobbie McLeod, residents of the Cottonfields community, testified together in opposition. They asked those in the audience that were homeowners in Laveen to stand. There were three highlights they wanted to address: maintaining the Laveen character, conforming with the General Plan and Southwest growth study, and protecting the rights of the 450 Cottonfields residents.

The character of Laveen was rural, equestrian, and open space which was continually challenged by developers. They pointed out last year the Council and voters adopted the General Plan that designated this property as parks, open space, and privately owned. In fact, staff noted this application was not consistent with the General Plan use designation. They conveyed the City created a plan for the development and growth of the Phoenix metropolitan area as set forth in the Southwest growth study that showed Laveen would remain largely rural. The proposed rezoning was inconsistent with this study as the land was already zoned golf course open space. Moreover, major commercial was to be limited to three specific locations: 35th Avenue, Dobbins Road, and 51st Avenue. In addition, this parcel was subject to deed restrictions that limited the sole use of the property as golf course or open space. They added a two-thirds affirmative vote by their community was required to change the use restriction. They displayed numerous attorney letters on this subject but emphasized one document dated June 11, 2015. The only vote of their community was taken in 2011 where 75 percent of the residents voted against the proposed change to commercial.

Ms. Gutierrez and Ms. McLeod stressed if this application was granted and the applicant was allowed to commercialize the southern border without complying with the community vote they would return to seek additional rezoning of two parcels on the northern border. The applicant's attorney stated a judgment resolved the issue but no judge had ruled on the validity of the deed restrictions on this parcel. They specified a settlement was reached by four HOA board members which dismissed the lawsuit; however, homeowners never approved it and their rights were given away.

The applicant's attorney said community meetings were held but there were none within the community for those people affected by this proposal. They indicated there was one presentation where less than 50 homeowners were aware and attended. Despite this, there was no shortage of places to connect in Laveen as was mentioned by the applicant's attorney. Contrary to the applicant's attorney's claim of transition from large to small commercial, they expressed nothing transitioned to a golf course better than a driving range. Also, they conveyed the applicant's attorney attested in court about knowing the deed restrictions were in place when the property was purchased.

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Ms. Gutierrez and Ms. McLeod spoke to the neighbors and submitted over 100 signatures on a petition demanding a vote on this specific issue by their HOA. However, the board president failed to instruct the management company to mail ballots to the homeowners obstructing their right to vote on the matter. They commented houses in a golf course community generally sold for a higher price so their homes were a significant investment. They stressed the homeowners had the right to control any change of use to the golf course property. They urged the Council to deny this application and send the applicant back to their community for a vote.

Acting Mayor Gallego agreed with one of the stipulations on the document submitted by Mr. Hertel that listed additional individuals on the notification list. She asked staff to explain the other stipulations and further insight on why the Planning Commission removed them.

Mr. Stephenson replied the LCRD stipulations were either duplicative or not legally enforceable. LCRD Stipulation 1 required all property owners within a 1,000-foot radius be notified of future hearings. He advised staff's Stipulation 14 already required a list of people be notified of any planning hearing officer and preliminary site plan hearings, noting staff's memo added two more folks, Mr. Phil Hertel and Mr. Jon Kimoto. Mr. Stephenson believed staff could add the person listed in the LCRD document to the notification list which meant everyone would be aware of any potential change in the future. He continued proposed LCRD Stipulation 3 related to zoning reversion which the City did not do any longer as there were not enough resources so he did not recommend inclusion of that stipulation. The circumstances around this property being at a major intersection and 900 feet from a freeway were not going to change over time. He added the final stipulation read any attempt to modify a church site plan shall not include new opportunities for C-1 retail uses. He advised the City could not exclude individual uses as part of a zoning classification; however, the stipulated site plan required that a change to the church building would have to go back through a public hearing process.

Mayor Stanton returned to the voting body and resumed as Chair.

Vice Mayor Gallego stated she had worked with Planning staff prior to this meeting to add Stipulation 18 related to underground fuel storage tanks due to significant community interest and requested staff provide more explanation.

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Mr. Stephenson responded Stipulation 18 made it practically impossible for someone to develop a gas station on the site which he believed was residents' primary concern.

Mr. Hollis Joslin, resident of the Cottonfields community, spoke in opposition. He reemphasized not only would this rezoning request be inconsistent with the General Plan but a direct violation of a deed restriction which guaranteed the property would remain golf course or open space. He commented the HOA board moved approval without a community vote and thought Council's approval of this rezoning request would be a breach of contract. He asked that Council deny this request since action was still pending.

Ms. Wendy Ensminger, resident of the Cottonfields community since 2004, conveyed the Council had a dilemma because there was a contractual agreement with the homeowners, not the HOA board who did not have a right to enter into the settlement without a community vote. She expressed approving this rezoning request would harm the community by causing a breach of contract when a two-thirds vote of residents was necessary for a land use change. In fact, the meeting where the HOA board approved the settlement was not noticed to the community and was placed on the agenda as golf course update. She stated the remedy was the developer must return to the community for a vote regarding any changes to the land use along with the Council voting against this rezoning request.

Mr. Jesse Ary owned a home in this area of Laveen and spoke in opposition. As a realtor he understood the importance of recognizing the value and integrity of homeowner association rules and regulations. People purchased their homes with the understanding this property would remain a golf course. He was not concerned with the applicant's ability to beautify the property but folks purchased their homes based on established CC&Rs. He asked if Council did not deny this application that homeowners be alerted of the situation.

Ms. Doris Finney, recent resident of the Cottonfields area, spoke in opposition. She purchased her house because of the golf course and did not want her view obstructed, so she urged the Council to help save the property.

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Speaker comment cards were submitted in opposition by the following individuals:

Ms. Patrice Herring	Mr. Billy Finney
Ms. Linda Becker	Ms. Mary Markey
Mr. Jeff Smith	Mr. Richard Gutierrez
Ms. Mari Smith	Mr. Ricardo Cotazar
Mr. William Palmer	Mr. Don O'Beirn
Mr. Donald Hamilton	Ms. JoAnn O'Beirn
Ms. Rosa Greene	Mr. Eric Bassingthwaighte
Ms. Roberta Potts	Ms. Parthenia Griffin
Ms. Kristi McCann	Ms. Blanca Gutierrez
Mr. Larry Gustafson	Mr. Gerald Wathier
Ms. Zelda Spidle	Ms. Lorena Figueroa
Ms. Erin Thomas Tobin	Mr. Paul Barnes
Ms. Maria David	Mr. Brian Horton
Ms. Cheryl Wathier	Mr. Craig Lane
Mr. Kurt Gronlund	Ms. Trina Negrete
Mr. Jeffrey Keelor	Ms. Jocelyn Pacheco
Ms. Karen Keelor	Ms. Kesha Hodge
Ms. Idonia Hudson Ary	C. Garcia

Mr. Lazarus rebutted testimony pertaining to circumvention of a required vote explaining these were private deed restrictions and residents had an opportunity to be involved and voice their opposition. Lastly, the zoning was determined by a court of law prior to his client purchasing this property. He had submitted that court decision which was based on an agreement of the community represented by the homeowners association. He added many portions of the golf course had been saved because of the current financial circumstance. He pointed out the case was dismissed with prejudice which meant it could not be brought back.

Mayor Stanton emphasized this was an ongoing civil dispute that Council was not party to so their decision would be a zoning recommendation.

Ms. Ensminger commented the HOA board did not have the authority to enter into the settlement as the agreement lied with the homeowners.

Mayor Stanton declared the public hearing closed.

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Councilman DiCiccio was surprised by the comments about the HOA board. He had looked into these types of things because of personal experience and thought it was a bigger issue in this state. In fact, he was contemplating creating state legislation as there were no penalties. His concern related to the amount of control HOA boards had as their actions impacted people's lives.

Councilwoman Pastor inquired about statements made that this proposal did not fit in the General Plan and the Southwest growth study.

Mr. Stephenson answered this application met several goals of the current General Plan as outlined in the staff report. He advised the General Plan also mentioned land use designation which showed this particular parcel as parks, open space. However, there was language built into the General Plan that did not measure conformance at a major intersection of two arterial streets down to less than 12 acres. He remarked this zoning application did not have to be consistent with the General Plan so long as it was in the 12-net-acre threshold. Therefore, this proposal met the General Plan requirements because it met the exception even though the land use designation was not commercial.

In response to further questions by Councilwoman Pastor, Mr. Stephenson conveyed the City was not involved in the HOA regulations mentioned earlier as it was a private document. Further, the current zoning was GC, Golf Course, and only allowed a golf course along with access to uses like a driving range or clubhouse.

Councilwoman Pastor asked if there were LCRD members that lived in the Cottonfields neighborhood. Also, she wanted to know if the LCRD worked with the residents of this community.

Mr. Hertel knew of one LCRD member that lived in this particular neighborhood but did not know if there were others. He remarked there were 30-40 people from the Cottonfields community that attended the LCRD meetings.

Councilwoman Pastor listened to the testimony and, although she heard discrepancies on both sides, recognized the community was divided. She wanted to see a win-win since the neighborhood deserved more vibrancy and space. She agreed with Councilman DiCiccio as she was also disturbed about the whole HOA piece but did not know how to resolve it. However, she understood at this point it was a legal matter the community had to settle.

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Councilman Nowakowski expressed as a resident of Laveen himself he was sad to hear folks attack each other. He believed the church was good for the community based on the activities and fundraisers for children. He wondered how many residents attended the April 14th meeting held by the developers.

Ms. McLeod stressed it was not a meeting but a presentation with easels setup around the room and people stationed at each one. She continued residents could ask questions based on the information provided at the stations but it was not a formal meeting.

Mr. Lazarus interjected it was a neighborhood meeting pursuant to zoning requirements with notice sent to folks 600 feet from the property and all homeowners associations within one mile. He indicated it was an open house where residents were free to express their opinion, noting some people were in favor of the proposal while others were opposed to it. He reiterated there were two LCRD meetings plus the Village Planning Committee and Planning Commission meetings where there were substantial people on both sides of the case.

Councilman Nowakowski knew this was a blighted piece of property and asked what residents wanted because it seemed like the plan was a church and not high-rises that could go up to 30 feet.

Ms. McLeod responded residents wanted to retain the current property. She explained the community was buffered by Baseline on the south side and Southern on the north with the golf course on each side. If this zoning request was approved the only remnant would be the driveway into their community as the neighborhood would be surrounded by commercial. She emphasized the position of the neighborhood was that this property was not open for rezoning because documentation established it was part of the community.

Councilman Nowakowski wondered who would put in a driving range and keep it up so the property was kept up. He wanted to ensure this was a win-win for individuals that lived in Laveen as well as the Cottonfields residents.

Ms. McLeod commented there were other options but people wanted to develop a driving range so that it remained open space. However, this proposal included a practice range which would not improve the golf course. She confirmed the driving range was part of their property per the CC&Rs.

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Mr. Lazarus stated this property was no longer part of the golf course given that his client was a separate property owner. He advised it would not be a driving range or open space because that was an unreasonable request. Further, he had been working with everyone to keep this property economically viable and hoped that the Council viewed this proposal as a good land use.

Councilman Nowakowski inquired if there was anything restricting Council from moving forward with this case.

City Attorney Brad Holm replied there was a difference of opinion on the private property rights but they were not affected by the zoning change, so there was nothing prohibiting Council from moving forward.

Councilman Nowakowski asked if it was acceptable to only build the church as that was the best purpose for this property.

Mr. Ary emphasized the April 14th meeting was not a meeting but an announcement which did not include all of the Cottonfields residents. He expressed property owners needed to be engaged in order to build partnerships, so he urged that Council not make a decision today.

Mayor Stanton reiterated there was no legal restriction on Council moving forward.

Councilman Nowakowski inquired if the Council did not move on this now, would that cause a timeline issue for the owner.

Mr. Lazarus stressed this needed to move forward today for several reasons. First, there was divisiveness and he was not sure any further discussions would resolve the situation. Secondly, there was a letter of intent for the bank portion that could be jeopardized if there was a delay. There was also a second grant that was contingent on this moving ahead, plus the church had a preferable loan. Therefore, he concluded this needed to move forward quickly so these opportunities were not lost.

Councilman Nowakowski sought the opinion of Ms. Gutierrez.

Ms. Gutierrez commented she was concerned because the church had the money to purchase the land but not to build the church which made her question if this would be an on-going issue.

Mr. Lazarus confirmed there was assurance the second grant would not just be for the purchase but for building as well.

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Mayor Stanton wanted further confirmation this was a land use decision and not a user choice.

Mr. Lazarus pointed out he was not making any guarantees that the church would be built but they were lining up the appropriate funds to build it.

Councilman Nowakowski was not ready to vote on this item because he believed more time was needed in order for both groups to work things out. He thought Laveen was a great community and that the church would be an asset. Still, he wanted to respect the rights of the property owners but also did not want the developer to lose an anchor bank so he was stuck in the middle.

Vice Mayor Gallego remarked this was a difficult decision and wanted to come to a resolution but understood that a continuance would end the project.

Mr. Lazarus advised the letter of intent along with the development could be in jeopardy and asked for time to confer with his client.

Vice Mayor Gallego had spoken with legal counsel who advised her that the City made land use decisions and was not the jurisdiction for HOA disputes. Therefore, the issue at hand was whether this request was an appropriate land use for a parcel on Baseline Road near a neighborhood and a freeway.

Mr. Holm concurred this matter was a land use decision and not an adjudication of a dispute between private property owners and the rights they claimed were in contradiction of one another.

Vice Mayor Gallego continued if there was litigation following this meeting then Council could verify their decision was in conformance with the court directive and commit to that in an expeditious manner.

Mr. Stephenson responded if there was resolution in the future Council could request the Planning Commission to initiate a case to revert the zoning with the required Proposition 207 waiver from the property owner.

Mr. Lazarus repeated this proposal needed to move ahead. If there was further litigation and the judge decided to uphold the CC&Rs then approval of his client's request would not move forward. However, if the judge ruled that this parcel was not subject to the CC&Rs then Council's approval would stand.

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Mayor Stanton interjected the suggestion was to make an appropriate land use decision now.

Mr. Lazarus remarked the residents needed to work out their differences either alone or through litigation but Council's role regarded a land use decision.

Councilwoman Pastor was not comfortable with the suggestion.

Vice Mayor Gallego observed this was an engaged community and she was committed to protecting such a unique place. It was encouraging to see that people cared about their neighborhood and wanted to be involved in decisions, but not so good when a community was divided. She had heard from people who were strongly opposed as well as deeply supportive of this case. Similarly, residents wanted to remove blight from the entrance of the community while others wanted to keep the status quo or bring back the driving range. She looked at golf courses throughout the area and there were some with the same setup that had succeeded economically and other golf courses that were struggling.

Vice Mayor Gallego reiterated this was a difficult decision but the Council was trusted with a land use decision about what made sense for a parcel on a major road with entrance to Laveen. She thought it was a responsible decision to move forward with the case and would be making a motion in favor of it. The applicant stipulated to a site plan with a commitment to place items as approved. She added if it did not move forward she would not support a change in the site plan to other C-1 uses. She emphasized the church was a responsible partner and appreciated their promises to Laveen. Further, she had met with several church board members and believed they would do everything possible to have a successful project in this area.

MOTION was made by Vice Mayor Gallego, **SECONDED** by Councilwoman Stark, that Item 83 be approved per the Planning and Development Director's memo dated Oct. 5, 2016, and to adopt the related ordinance with the following stipulations:

1. The development shall be in general conformance with the site plan and elevations date stamped June 21, 2016, except as modified by the following stipulations and as approved by the Planning and Development Department.

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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.

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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. The developer shall notify the following individuals by mail 15 days prior to any of the 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

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- 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

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- 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

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- 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

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II. 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

15. All cellular communication facilities shall be building mounted or internal to the cross.
16. The developer shall provide minimum 3-inch caliper trees, placed 20-feet on center or in equivalent groupings, within the eastern 560 feet of the northern landscape setback, as approved by the Planning and Development Department.
17. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 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.
18. The Development shall not include any underground fuel storage tanks, as approved by the Planning and Development Department.

Councilman Nowakowski was not supportive of the motion because he thought things could be worked out. He expressed this might be the best place for the church but residents that lived in the surrounding area needed to be in favor of it.

Councilman DiCiccio supported the church and its goals but he was uncomfortable based on his own experience, so he also was not supportive of the motion.

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Roll Call:	Ayes:	Stark, Valenzuela, Waring, Williams, Vice Mayor Gallego, and Mayor Stanton
	Nays:	DiCiccio, Nowakowski, and Pastor
	Absent:	None

MOTION CARRIED.

CITIZEN COMMENTS

Mr. Paul Nelson requested that Council work on a plan to close the alleyways in the Royal Palm neighborhood due to a recent situation involving children. He also believed a lot of the traffic and crime in the area was due to people who frequented a clinic near the community and wanted Council to rectify the problem.

ADJOURNMENT

There being no further business to come before the Council, Mayor Stanton declared the meeting adjourned at 6:35 p.m.



MAYOR

ATTEST:



CITY CLERK

October 5, 2016

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the formal session of the City Council of the City of Phoenix held on the 5th day of October, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 9th day of March, 2017.



City Clerk



Planning Commission Minutes for September 1, 2016

Item #: 12
Application #: Z-14-16-8
From: GC
To: C-1
Acreage: 12.52
Location: Northeast corner of the 59th Avenue alignment and Baseline Road
Proposal: Retail, including a bank, restaurant and church
Applicant: Larry Lazarus, Lazarus, Silvyn & Bangs
Owner: Jaguar Premium Properties LLC
Representative: Larry Lazarus, Lazarus, Silvyn & Bangs

Mr. Xandon Keating presented Z-14-16-8, a request to rezone 12.52 acres located at the northeast corner of the 59th Avenue alignment and Baseline Road from GC to C-1 for retail, including a bank, restaurant and church. The Laveen Village Planning Committee recommended approval 8-4 per the staff recommendation with additional stipulations. Staff recommends approval per the memo from Xandon Keating dated August 31, 2016 with an additional stipulation as follows:

7. PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 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.

Mr. Larry Lazarus stated they had substantial meetings with the community and LCRD (Laveen Citizens for Responsible Development), a neighborhood meeting and two additional meetings with LCRD; one in regards to the site plan and the other focused on the zoning. The planned Loop 202 South Mountain Freeway will be one quarter mile from the proposed site so the area will be changing. There is C-2 zoning with a height waiver directly across the street which consists of 44 acres. On the other side of the street to the south and west are C-2 zoning with 388 acres which are planned for large commercial developments.

The proposed site has two aspects, one will be the neighborhood retail with boutiques, small stores, sit down restaurants and a bank. It will be different from the other three corners. Phase one includes construction of a 400 seat sanctuary on the eastern portion of the site. Phase two will consist of a 750 seat sanctuary.

Mr. Lazarus stated per the General Plan requirements it speaks of residents having places to connect in their community. The retail and church space will give opportunity to shop and interact in their community. The second goal is to promote development in vacant parcels consistent with the character. The site is currently an open field and needs the transition from the freeway to the large commercial, smaller commercial church and then the golf course. The third core value is to ensure the development reinforces the character of the area. Mr. Lazarus felt they had been very sensitive in that area with the scale of the project and in working with LCRD.

Mr. Lazarus continued that the fourth goal point was to locate generated traffic on or near arterial streets. There will be three access on Baseline Road and one on 59th Avenue, with no access into the neighborhood. They have complied with the Commercial Area Plan and the Southwest Road Study that deals with designs.

Mr. Lazarus presented the elevation and site plans, showing commercial sites and a church site with a huge gathering area. He also showed examples of the retail spaces including the fencing. A site plan proposed in 2008 was shown that was rejected by the community, it was much less intense than today's proposal with a substantial amount of support from the community. There was one change regarding stipulation 7, the view fence would be provided on the north side, if any fence would occur, it would be a view fence, but they would like the opportunity to have no fencing.

Pastor Jeff Gunn stated he has been the pastor of CrossWalk Church since 2004 and had been working in the community since 1996. He respects those who are in opposition but felt they were in opposition to the parcel and not the church. The design of the project reflects the character and love for the community. This location will allow the church to grow and thrive.

Mr. Phil Hertel stated he was speaking on behalf of the LCRD; there were many stipulations created for this case throughout the process and had just become aware that several of the stipulations have been removed. Mr. Hertel assured the Commission that if those stipulations would have been removed at the LCRD or village meeting, there would be no support for this project. All of the stipulations were an important part of the entire vision of what was going to happen to the area. The stipulations included 13, 14, 15, 18 and 19. This is a good project with an opportunity to provide a buffer from the heavy uses that are coming and will also provide a buffer from the small commercial site on the corner.

Commissioner Glenn asked about stipulation 13 regarding the substantial conformance with the site plan and elevations. As an architect he believed it was next to impossible to stipulate to substantial conformance; simply because the applicant has not yet gone through the entire development process. When it comes to utilities, retention, transformers, trash and other city services they sometimes have an impact with curb moving a couple of feet one way or the other. For that reason, he supports removing this particular stipulation.

Chairman Johnson stated he would prefer for the Commission to defer to staff in regards to the stipulations that were removed.

Mr. Keating stated that stipulation 13 was as Commissioner Glenn had stated. It was difficult to maintain because of changes during the process, especially for a development of this type. Staff was comfortable with the general conformance stipulation which holds the essential elements of the development as proposed in the current form. Stipulation 14, which stated "Any revision to the site plan and elevations shall be returned to the LCRD and VPC for review and comment". Staff cannot require an applicant go to an outside organization, such as the LCRD, for review, comments, or for any changes to the site plan elevations that is beyond a general conformance

stipulation. It would automatically go back to the village should the chair ask to see the request.

Mr. Keating continued with stipulation 15, it was reworded for clarity, per staff perspective, it has not been removed. The intent of that stipulation was included within the stipulations recommended to the Planning Commission. Stipulation 18 stated "If construction is not begun within 5 years of City Council approval, the owner shall initiate a zoning reversion to golf course (GC)". This is not an enforceable stipulation. The City of Phoenix does not have a mechanism to force the property owner to apply for a reversion. Stipulation 19 stated "Any intent to modify the church site plan shall not include any opportunity for C-1 uses". The city cannot legally enforce this stipulation such as that, it cannot limit land uses through a zoning action through a stipulation.

Commissioner Glenn asked if stipulation 14 could be reworded to state prior to site plan development, perhaps general elevations to return to the village for review and comment.

Mr. Keating stated a stipulation could be done stating something along those lines. Staff would request a specific reason for that.

Mr. Hertel stated he understood, but wanted to make clear that the applicant and the developer had agreed with all of the stipulations just spoken about when they were going through the process. The only one they were not in agreement with was general and substantial conformances. There was a large part of why there was community support, outside of the church.

Chairman Johnson stated some of the stipulations may be able to be modified but some they will not be able to consider. Chairman Johnson encouraged the neighbors to continue to work closely with the builder to ensure they do keep to their agreement.

Mr. Gary Jorgensen stated the developer operated the golf course for a period of time which provided a bridge for the first owner, who went out of business. Mr. Jorgensen felt the developer has come up with a reasonable plan that provides a buffer, which is needed because the opposition has insisted they want to keep the lot vacant. Other developers will come in and the vacant lot will be a target.

Mr. Dan Solofra stated he was also one of the Pastors at Crosswalk Church, they are invested in the community and while currently renting at Caesar Chavez High School, they visit the people that attend their services, the average of about 500 visitors per year. Of those visits they ask people what they are looking for and 75% say they are looking for connection. In Laveen there is no place for connection, they cannot find places to rent to have meetings in. For that reason, as they look at the vision of Crosswalk Church, it is not just for them but for Laveen.

Ms. Debbie Blue stated she lives in Glendale but attends Crosswalk Church in Laveen. She is also a part of the outreach team that directly works and provides help to the community. They provide school uniforms for children and hold holiday events. She feels their presence helps to inspire and give hope.

Mr. Steve Wene stated the church would be a perfect bridge with the retail as a buffer from the new highway coming through and the golf course community.

Ms. Tamara Cowan read a letter she had written to the Vice-Mayor. She was here to provide support on the proposed development. She and her husband had moved to Laveen with the hopes that business infrastructure would soon follow. Although there has been some business growth in the last few years, she felt the community could still use a place to gather with friends and family. The proposed development would be a welcome addition to the community. The site is currently a driving range that is not used by the community and is an eyesore to everyone who lives near and drives by it.

Ms. Cowan continued that once the freeway extension is in place, thousands of people will be driving by this property were currently it is a poor representation of the Laveen area. The land being used for something other than what is being proposed could be a disservice to the community.

Mr. Al Martinez stated he is the current president of the HOA Board and explained the driving range is not in their gated community. The golf course runs through the community and those with view fencing see the golf course, not the driving range. The lot is an eyesore when driving through Baseline Road. The owner has stated he will set up a small netted area for golfers to warm up.

Commissioner Glenn confirmed that Mr. Martinez was the president of the Home Owners Association and asked if the HOA has taken a formal position on the case.

Mr. Martinez stated the HOA board was in favor.

Mr. Larry Walker stated the problem with the driving range has been ongoing. He did not believe it was all about it being an eyesore but with the owners of the golf course and driving range. The driving range cannot be used because of the sprinklers being removed and the construction for the new freeway has just begun. Baseline Road was a dirt road at the time he moved in the area and now there is traffic coming from the east and west and there will be more commercial coming in. One day the proposed property will be commercial and felt those in favor and opposition should work together in their community.

The following submitted cards in favor but did not wish to speak.

Michelle Rutkowski	Katie Behm	Loren Wagner	Julie Gunn
Juanita Walker	Mitch Smith	Jason Paltzer	Brandon Weeks
Joda Schaumberg	Karla Zidow	Ralph Padilla	Loren Johnson
Thomas Weinstein	Maureen Johnson	Tom Metzger	Jonathon Blue
Chase Fellhaelter	Casey Saver		

Commissioner Winger left conference call at 7:29 p.m.

Mr. Gil Negrete commented that Pastor Gunn had stated the area was the gateway to Laveen, 13 years ago when he moved to this area, the golfing range was the gateway to Laveen. He, along with 455 other home owners in that community spent more for their homes because of the value of being in a gated community with the lush green fairways and driving range.

Mr. Negrete stated that the character of Laveen is defined as rural, equestrian and open space; what is being spoken about this evening is commercial development and churches. A gas station could be built on the subject property. Mr. Negrete presented exhibit 1.a, the City of Phoenix zoning map, and with the County Assessor's website, it was determined that there is almost 25 million square feet of property already zoned commercial in the area. As Mr. Lazarus had mentioned, 368 acres has been zoned commercial across the street from the proposed site. Just west of the driving range there is 44 acres of commercial, yet the church wants to build on this open space.

Mr. Negrete continued reviewing the areas that were zoned for commercial use, the golf course and the driving range. He asked for the request to be denied because of the obvious amount of commercial already in the area. The viability of the golf course is needed as a practice facility; why would a new driving range be needed if they already have one. The problem with it being an eyesore falls on the owner who has not taken care of his investment. Why has he not been held accountable? He purchased the golf course then sold parcels of it.

Commissioner Montalvo confirmed that it was said that the golf course also needed to be kept up; and who was the owner of the golf course.

Mr. Negrete stated that was correct but was not aware of who the golf course was sold to. Mr. Negrete stated many of his friends do not attend the Laveen golf course because it is not being kept up, and felt the owner is not keeping it up in order to ask to rezone the property.

Ms. Wendy Ensminger stated she felt the opposition was not given time to respond to statements that were made at the village meeting. She stated the community was not in favor. Two of the new HOA board members that were elected in June were opposed, they wanted to receive input from the community. Ms. Ensminger stated that students at local high schools used the driving range. She also mentioned that the applicant had threatened an injunction on those who used the driving range and had stated he would let the drive go unattended. The community meeting left her with more questions than answers.

Ms. Ensminger stated that in the 2015 Character Plan, one of the challenges faced was preserving the character of Laveen. This rezoning request is in the wrong place which will lead to an overabundance of commercial. The map that was shown did not show the two areas of open space, one in their neighborhood and the other was Caesar Chavez Park. If some of the driving range is rezoned, it will diminish more of their open space. The Southwest Growth study encouraged development that was sympathetic in response to the area's cultural, historically and agricultural assets. This application does not do that. She asked for the use to be looked at versus the user. The use is

what the Commission bases their decision on, not the user. They cannot factor in the church wanting to build. A rezone should not hurt a business or community. This will do both.

Commissioner Glenn stated in August 2011 there was a vote to amend the maintenance agreement to allow commercial development. The results were 137 in opposition and 45 in favor. What specifically were they voting on?

Ms. Ensminger stated at that time the driving range had just started to decline because the applicant wanted it to be an eyesore so the community would have no other option but to rezone. The community did not want it to change, and without a community vote, it cannot be changed.

Commissioner Glenn stated that there was only 30% of the homeowners that participated in that vote.

Ms. Ensminger stated that it was explained to them that a non-vote was a no vote and felt the HOA board did not do a good job in communicating the information to the community.

Commissioner Whitaker confirmed with the speaker that she was one of the newly elected HOA board members; and was it the same HOA that Mr. Martinez was on?

Ms. Ensminger stated yes, she was just elected in June and Mr. Martinez was also on that board.

Commissioner Whitaker asked if the HOA board supported the case or not.

Ms. Ensminger stated since she has been on the board, it has not taken a stand on the subject. She has not viewed anything on record regarding the HOA stating they were in favor.

Chairman Johnson asked Mr. Martinez when was the last election and when was the vote taken.

Mr. Martinez stated their elections are held every June, last year in late July or August, after the election, the board voted 4-1 in favor. Since Ms. Ensminger has been on the board there has not been a vote because they had already voted on the case.

Commissioner Whitaker confirmed with staff that HOA CC&R's were something the Commission had no impact on.

Mr. Keating stated that was correct, the city cannot enforce any of the HOA CC&R's in any way.

Commissioner Glenn inquired if that was the vote the lead to the settlement on July 22, 2015.

Mr. Martinez stated that was correct.

Mr. Freddy Saavedra stated that the HOA meetings have become so contentious that they must be videotaped. There were many questions about the board and their actions. At the last meeting there was overwhelming opposition to this case but the board approved it previously. How is that possible if the videotape shows the community was in opposition? There is much miscommunication with the board. The driving range is an eyesore and feels the applicant created it in order to rezone. The golf course itself will also turn into an eyesore with no driving range, limited parking and commercial surrounding them.

Commissioner Montalvo asked the speaker's opinion that something other than the church would be built.

Mr. Saavedra stated if stipulation 19 is removed, there is nothing to stop the developer from building something other than a church.

Mr. Keating stated Mr. Saavedra was speaking on the proposed LCRD stipulation that the village recommended if the church goes away the C-1 commercial use could not be used.

Chairman Johnson confirmed the Commission could not take away uses. They cannot limit the uses and can only vote on the General Plan amendment and zoning as referred to the Planning Commission.

Mr. Saavedra stated he understood, and the reason he was asking for a denial so the case can be sent back to the community.

Mr. Jesse Ary stated he owns a home in the Laveen community and was one of the first buyers. Mr. Ary felt since there were only a few of the homeowners that had any input on the decision of the driving range the case should be denied so the community could have some real input. The HOA did not take into account the previous decision when many of the residents at the recorded meeting were opposed.

Ms. Bobbie McLeod stated a few years ago she downsized and bought into the rural, open space, equestrian catch phrase of Laveen. The ownership of her new home came with abiding CC&R's and an HOA. She disliked ownership being controlled but those same rules protect her investment.

What people do not know when buying into communities such as this, is whether those people that are elected to protect the interest of the homeowner really do. The HOA boards, developers and attorneys makes decisions, in most cases, not including the community. The city cannot enforce those contractual agreements and the homeowners have no one to protect them. They can sue, but must spend hundreds of dollars to do so. Commercial zoning ultimately leaves a community sandwiched between commercial buildings with no buffers. If this property is commercially developed, the entry to the gated community will be reminisce as the old alleys in the Midwest and their property value will surely plummet.

Ms. McLeod concluded that the already struggling golf course will surely fail, without a driving range the clientele will be limited to fixed budget seniors for a little exercise, which is not sustainable. And stated she was not against Crosswalk Church, but opposed to the use, not the user. The LCRD's original vote was 4-3 against this proposal. They stopped in their tracks and did a revote based on the stipulations that were put in which have now been removed.

Commissioner Montalvo commented it seemed if the church was built that would make everyone happy.

Ms. McLeod stated she would not want anything commercial developed at the proposed site. At the end of the day if it did become commercial, she would not have a problem with it being a church. The concern was that the community did not get a vote in the matter. If it were zoned commercial and the church ran into financial issues and had to sell, they would not have a say in what would be built there in its place.

Commissioner Montalvo stated there was a lot of speculations and much concern that the church may not be built.

Ms. McLeod stated the land use is the subject everyone should be concerned about, not the church. According to the CC&R's it is golf course property, and whether they are sold off in sections or the amount of people that own into that property, it is still considered golf course property and requires a vote in order to change that.

Ms. Yolanda Gutierrez stated she also signed the required CC&R documents when she purchased her home in 2010. She felt the owner had no intention of running the golf course and allowed the driving range to remain in disrepair leaving behind the blight that is there. Blight is a big issue with the City of Phoenix, yet in Laveen, no one has required this owner to maintain his property. She attended HOA meetings and started videotaping the sessions. When an HOA boards hides information from the community it should be protecting, it causes her great concern.

Ms. Gutierrez stated they have nothing against the church or its attendees, she is against the developer using a church as a tool to rezone a parcel without providing the financial condition of the church to prove it is in fact ready to purchase and build. Having experience as a finance manager, she is aware of how critical budgets and accurate forecasting projects can be. It should not be assumed that the church is financial sound unless documents are provided. Having a church under construction for years does not make for a good neighbor. Who is to say to that this church will be completed in the next 5 to 10 years.

Commissioner Glenn commented on the statement that was made that a church cannot be built on golf course zoning; and asked to confirm that a church can be built on any underlined district.

Mr. Keating stated the golf course district does not list a church as a permitted use, and there are some other districts that may have similar instances such as a special permit

that would not allow underlined uses. Generally, it is because a church is not listed as a use within that district, and the golf course district is very specific.

Mr. Ron Harris, LVA Urban Design Studio, stated he is the consulting representative of the property owners located at the southeast and southwest corners of the intersection of 59th Avenue and Baseline Road. They have been working on the properties in this location for over 15 years, from original zoning to site planning efforts and through the development, with the City of Phoenix, of the Baseline Corridor Future Roadway Improvement Plans. They do not oppose the proposed zoning or the uses attached, they are opposed to the depicted curb cut and median cut location appearing on the applicant's conceptual site plan, as related to work they have been completing across Baseline Road with the City of Phoenix in recent years. They are working with and continuing to discuss these issues with the applicant.

As a stakeholder group they will be progressing with a meeting with the City of Phoenix Street Transportation staff and the Planning and Development staff one week from today to provide safe access to all of the properties who will be utilizing this intersection for many years to come.

Mr. Kurt Gronlund stated years' prior the HOA board illegally permitted a developer to rezone part of the golf course to a driving range. The decision was outside the scope of the HOA's authority as outlined in their contractual agreement which he read. This new HOA board has also sided with the developer, that is why the homeowners bought their properties and had relied on the HOA contracts.

The following submitted cards in opposition but did not wish to speak.

Maria David	Catalina Carrasco	Kristi McCann
Jeffrey Keelor	Lori Gonzales	Pat Griffin
C Garcia	Lorena Figueroa	Diana Parrish
Rosa Greene	Phil Hertel	

Mr. Lazarus stated the land was not part of the golf course, it was specified under the golf course designation, through zoning, at the time his client purchased the property. It had been lying in disrepair, the applicant did not create the situation that now exists. It is not blighted and has been consistently cleaned up. It is no longer kept up as a driving range although there are people who do hit golf balls there.

They had agreed to the stipulations, although not legally enforceable, that were eliminated by staff. Some of the stipulations have been redesigned to appropriately address the concerns of the neighborhood. This is a privately owned piece of property and will not remain open space and not part of any conditions or restrictions. There have been two law suits filed and have been dismissed. There has been much change in the HOA board of directors, once voted one way and then another. Currently it is the same board that voted in favor of this application.

These situations involve private agreements and are not part of the zoning. This has been going on for quite some time. They agree that it is not about the user but the use

and have presented a site plan that specifies a church and how the buildings are configured on the property and how the sanctuary will be designated. This church, and any other church, would have to abide by the site plan. They will not be able to put in retail because of the way the property is configured, without a major site plan amendment. They have also extended the notifications and requirement within the stipulations to allow for any change like that to go back to the community.

Mr. Lazarus continued that the character of Laveen is changing, it is not open space, agricultural or equestrian in this particular location, nor will it be in the future. To be able to buffer from the freeway to what will be a small three-acre boutique development and a church that has a substantial amount of open space and a golf course that is between that and a neighborhood is a good and appropriate land use. The church does have an intent to build and are financial committed and under contract.

Mr. Lazarus concluded in the zoning process there is not generally votes from the community, it would be hard to define what the community is, who takes, counts and verifies those votes. What is required are neighborhood meetings, village planning meetings, Planning Commission and City Council. In this case the LCRD was also involved. There has been a substantial amount of community input.

Commissioner Heck asked Mr. Lazarus to confirm why the neighbors believe the golf course will be gone. It was to here understanding the golf course would still be there.

Mr. Lazarus stated the golf course is stable, although in dire straits at one time. There is concern in the valley that golf courses will no longer be around because they are hard to sustain, especially those that are not high end golf courses. In this particular instance, because of the way the property was transferred, and the ability to use the driving range, enabled the developer to sell off the golf course for a minimal amount so there will not be a substantial financial hardship on the golf course. Chances of this golf course surviving is much greater than any other of its caliber in the valley.

Commissioner Whitaker stated a couple of speakers had spoken that there was no outreach or involvement, the neighbors were not aware of what was going on. What was the community outreach plan?

Mr. Lazarus stated there was much discussion about the neighborhood not having a vote in the matter, when they speak of no outreach it equates to the neighbors making that statement. Zoning cases are not generally run that way. It is by having neighborhood meetings, village meetings, then Planning Commission and the City Council. HOA meetings and votes are not included in this process. That would set a precedence for all other zoning cases.

They held a neighborhood open house and estimated about 50 people attended. Half in favor and half opposed. There was a substantial amount of people at two of the LCRD meetings held. Some of the speakers are on the LCRD board or the Village Planning Committee and had substantial notice. This has been debated at least twice at both the LCRD and village meeting. Social media and websites were also used.

If there are any changes, the applicant agreed to a stipulation that people not only 600 feet away would be notified but those that are 1,000 feet away and also notify specific people that signed in at the village meeting so that they will have additional notice, all of which is generally not done. They also indicated that the Village Planning Committee would be notified of any changes. There has been and there will be continued outreach.

Commissioner Whitaker asked if they abided by the city regulations of the notification of all property owners within 600 feet for the first mailing.

Mr. Lazarus confirmed absolutely including homeowner associations within one mile registered in the City of Phoenix.

Commissioner Whitaker asked if there was any lot in the golf course community that back up or touches the driving range in question.

Mr. Lazarus stated no, the golf course is between the proposed site and the closest home, which is 418 feet away from the property line.

Commissioner Whitaker confirmed that the owner of the golf course was in support of this zoning case.

Mr. Lazarus stated he was in support and has written a letter in support.

Commissioner Whitaker confirmed that the property was offered to the community at one point.

Mr. Lazarus stated yes, during this process, after his client purchased the property, he indicated he did not run golf courses but wanted to maintain it. He offered it to the HOA and they stated they would consider it; after nine months it was decided they were not interested in doing that because of the upkeep needed for the golf course, liability and other issues. Subsequent to that time it was sold to another gentleman with the understanding that he would be able to retain the other three pieces that were pulled out of golf course prior to his ownership; one of which is the proposed property being discussed this evening.

Commissioner Glenn commented about the concern of a gas station being built or the church not being able to execute the build out. Under the stipulation of general conformance, in order to deviate from this site plan to add a gas station, or Lowe's instead of the church, would that not be a general conformance to the site plan.

Mr. Lazarus stated the allowance for general conformance allows a 10% variance of the height and confirmation of the building. On the site plan there are no gas islands or anything to indicate there would be a gas station. The church is configured in such a way that there could be no retail without either of those things requiring a site plan amendment; which would go back through a public hearing.

Commissioner Glenn wanted to honor the intent of stipulation 14 which was "any revision to the site plan or elevation shall be returned to LCRD and the VPC for review and comment". Would the applicant be willing to entertain a modification that would state that the applicant shall present a site plan and elevation to the Laveen Village Planning Committee prior to submitting preliminary site plan approval for general review and comments.

Mr. Lazarus stated it was reworded to state "developer will resend the following plans to the Laveen Planning Committee, prior to preliminary site plan approval through the Planning and Development Department detailed building elevations, detailed landscape plans, detailed lighting plans and detailed sign package."

Commissioner Heck stated that one of the speakers mentioned that the main entrance into the community was going to be gone.

Mr. Lazarus stated it will not be gone, their main entrance is not the proposed site main entrance.

Commissioner Glenn thanked everyone for coming to the hearing, in echoing a fellow Commissioner, the Planning Commission cannot consider the third party agreements in the approval or denial of a case. It is important for him to thoroughly evaluate all and every avenue on a case. There was much time also spent at the village meeting on this issue. After reading the settlement agreement of July 2015 he is confident that the issue has been put to rest. He had reached out to a golf course architect and substantiated much of what Mr. Lazarus had stated on the issues of the driving range. The zoning case is an appropriate and great use for the area.

Commissioner Whitaker stated he too will be supporting this case and was concerned that those in attendance did not have a clear understanding of what the Planning Commission role was. There are issues with the HOA but they can only focus on what they are legally able to do, they do not have the ability to send something back for a vote or enforcing CCR's with an HOA. He viewed more support for the zoning case than opposition.

Commissioner Montalvo confirmed that the previous owner sold the golf course to the current owner, and that was why it was still open.

Mr. Lazarus stated yes and sold it for the minimal amount to keep the golf course open.

Commissioner Whitaker made a MOTION to approve Z-14-16-8 per the memo from Xandon Keating dated August 31, 2016 with an additional stipulation as read into the record.

Commissioner Montalvo SECONDED.

Chairman Johnson stated these are tough decisions and personally believes in private property rights, people should have the right to make changes to their property but they must also incorporate community involvement in the process. Chairman Johnson felt

the developer did reach out to make those efforts with the LCRD and other meetings. He hopes it will continue and for the community as well to continue to reach out to the developer.

There being no further discussion, Chairman Johnson called for a vote and the MOTION PASSED 5-0. (Wininger, Katsenes, Shank and Davis absent)

* * *

Stipulations:

1. The development shall be in general conformance with the site plan and elevations date stamped 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 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 DEVELOPMENT SHALL BE IN SUBSTANTIAL CONFORMANCE WITH THE SITE PLAN AND ELEVATIONS DATED JUNE 16, 2016, SUBJECT TO THE FOLLOWING STIPULATIONS:~~
- ~~14. ANY REVISION TO THE SITE PLAN AND ELEVATIONS SHALL BE RETURNED TO THE LCDR AND VPC FOR REVIEW AND COMMENT.~~
- ~~13. 15. DETAILED BUILDING ELEVATIONS, DETAILED LANDSCAPE PLANS, DETAILED LIGHTING AND DETAILED SIGN PACKAGE SHALL BE PRESENTED TO THE LCDR AND VPC FOR REVIEW AND COMMENT, PRIOR TO FINAL CITY OF PHOENIX APPROVALS. THE DEVELOPER SHALL PRESENT THE FOLLOWING PLANS TO THE LAVERN 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
- ~~16. ALL PROPERTY OWNERS WITHIN A 1,000 FOOT RADIUS FROM THE SUBJECT PROPERTY SHALL BE NOTIFIED OF ALL FUTURE PUBLIC HEARINGS.~~

14. ~~17. ALL PERSONS IDENTIFIED ON LCRD SIGN-IN ROSTER FROM AUGUST 1, 2016 MEETING SHALL BE NOTIFIED OF ALL FUTURE PUBLIC HEARINGS (WHERE NAMES AND ADDRESSES HAVE BEEN PROVIDED). THE DEVELOPER SHALL NOTIFY THE FOLLOWING INDIVIDUALS BY MAIL 15 DAYS PRIOR TO ANY OF THE 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
 - II. **AL MARTINEZ**
7011 S. 58TH AVENUE
LAVEEN, AZ 85339
- ~~18. IF CONSTRUCTION IS NOT BEGUN WITHIN 5 YEARS OF CITY COUNCIL APPROVAL, THE OWNER SHALL INITIATE A ZONING REVERSION TO GOLF COURSE (GC), OR APPLY FOR AN EXTENSION.~~
- ~~19. ANY INTENT TO MODIFY THE CHURCH SITE PLAN SHALL NOT INCLUDE ANY OPPORUNTIV FOR C-1 USES.~~
15. ~~20.~~ ALL CELLULAR COMMUNICATION FACILITIES SHALL BE BUILDING MOUNTED OR INTERNAL TO THE CROSS.
16. ~~21.~~ THE SIZE OF MATURE TREES NORTH OF THE CHURCH ADMINISTRATION BUILDING SHALL BE INCREASED TO EITHER 3-INCH CALIPER TREES AT 20 FEET ON CENTER OR 4-INCH CALIPER TREES AT 25 FEET ON CENTER. **THE DEVELOPER SHALL PROVIDE MINIMUM 3-INCH CALIPER TREES, PLACED 20-FEET ON CENTER OR IN EQUIVALENT GROUPINGS, WITHIN THE EASTERN 560 FEET OF THE NORTHERN LANDSCAPE SETBACK, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
17. **PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 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.**

LAVEEN VILLAGE PLANNING COMMITTEE (LVPC)

Meeting Minutes

August 8, 2016

Laveen Elementary School District Office #59

Laveen Education Center, Building B, Room #101

5001 West Dobbins Road, Laveen, Arizona.

MEMBERS PRESENT

Ricardo Cortazar, Chair
 Robert Branscomb, Vice Chair
 Linda Abegg
 Wendy Ensminger
 Gary Flunoy
 Tonya Glass
 Jon Kimoto
 Judith Mercado
 John Mockus
 Edward Olaya
 Carlos Ortega
 Jennifer Rouse
 Phillip Wooley

MEMBERS ABSENT

David Adame (Absent)

STAFF PRESENT

Samantha Keating

1. Call to Order.

Chairman Ricardo Cortazar called the meeting to order at 6:30 PM with a quorum of 13 members present (8 needed).

2. Pledge of Allegiance to the Flag.

Pledge of allegiance conducted.

3. Council Office update.

None.

4. Review and approval of the July 11, 2016 meeting minutes.

Mr. Jon Kimoto noted that there was a typo in the word "Estrella" under Councilman Nowakowski's comments.

Mr. Kimoto motioned to approve the July 11, 2016 meeting minutes as corrected. **Ms. Wendy Ensminger** seconded. The motion was approved by a 13-0 Vote.

Mr. John Mockus commented that he was abstaining from voting on the minutes because he was not present at the last meeting.

5. Public comments concerning items not on the agenda (not for committee discussion or public input).

Mr. Phil Hertel commented that the recommendation the committee made on the PHO case that was heard last month was weak. No members from the Village went to the PHO hearing. If he had not attended, the request would have been approved. He was in attendance at the hearing and spoke on behalf of the LCRD. The applicant has appealed

the denial of the PHO to Planning Commission. **Mr. Hertel** suggested that the VPC members follow the case and represent their position moving forward.

6. **Z-14-16-8:** Presentation, discussion and possible recommendation on a request to rezone a parcel located at the northeast corner of the **59th Avenue alignment and Baseline Road** from GC (12.52 acres) to C-1 (12.52 acres) for retail, including a bank, restaurant and church.

Ms. Wendy Ensminger recused herself from the item and removed herself from the committee.

Ms. Samantha Keating provided an introduction to the case, noting the surrounding uses, zoning, staff findings and recommendation.

Mr. Larry Lazarus, of Lazarus, Silvyn & Bangs introduced himself and the development team. The case has been reviewed by the LCRD and a neighborhood open house meeting has been conducted. The other three corners at this intersection have commercial development planned. The development plan entails 3 acres of neighborhood retail with the remainder of the site devoted to a church and church-related facilities. Plans for the retail portion of the development include a sit down restaurant. The hard corner is planned as a credit union and not a gas station. The site has not been a part of the golf course for over 5 years and is underutilized. No access points to any residential development is proposed. The development plan meets the Commercial Area Plan and is located along the planned freeway corridor.

Ms. Michelle Rutkowski the project's architect, introduced herself to the committee and explained that she moved to Laveen in 2004 and is a member of the CrossWalk Church. The development has been in the planning stages for over a year. They are accommodating the city stipulations in addition the LCRD recommendations in their design. **Ms. Rutkowski** then detailed some of the design features included in the project and explained that they wanted to ensure the spaces around the church were spaces the community can use. In addition to the church sanctuary, a school for adult education is planned.

Mr. Lazarus explained that the current development proposal was less dense than a previous plan in 2008. The previous plan, part of a rezoning that was withdrawn, included fast food restaurants and a gas station. **Mr. Lazarus** explained that the LCRD recommended nine stipulations that they were in agreement with, although they would prefer to be held in general and not substantial conformance with the site plan and elevations.

Sixteen cards were submitted in support of the item with nine wishing to speak.

Mr. Matt Christopher explained that he was a homeowner for over 13 years and has lived in the Cottonfields community for over 9 years. He is excited for the proposal and thinks adding something to the empty dirt lot is a great addition to the community.

Mr. Brian Smith commented that he was a Cottonfields homeowner for over 11 years and was also a member of CrossWalk church. The passion from the community is great and the development will serve to enhance the community. A community-based development on an empty parcel is good for the community.

Mr. Al Martinez explained that he was on the Cottonfields HOA board. The community is not losing the golf course. No one with a rear golf course view will be losing it as part of this proposal. Now is the time to pick a neighbor for this site. The property is not viable as a driving range and does not belong to the golf course.

Mr. Mitch Smith commented that he lives in the Cottonfields community and is a member of the golf club. The committee members will hear a variety of arguments, but the same concerns will keep getting expressed.

Mr. Gary Kudes explained that he was a resident for over 20 years. The existing character of the site is not worth saving.

Mr. Gary Jorgensen commented that the property is currently an eyesore. The driving range is not viable. The church will be a positive addition.

Mr. Tony Berastegui has lived in Laveen since 2004 and is not a member of CrossWalk. He is very involved in the community and thinks the church's program is socially good.

Mr. Phil Hertel explained that he was representing the LCRD and was speaking in support of the item. The LCRD has devoted over 12 hours to this project. The applicant has done almost everything the LCRD asked them to do. The church will serve as a buffer to residential and will be a huge asset. This area will change dramatically in coming years.

Mr. Hertel noted that the language for Stipulation 7 from the LCRD should be updated to preclude any opportunity for C-1 uses. In addition, lawsuits are not in the LCRD's purview and the stipulations are a Plan B if the development does not get stopped in court.

Pastor Jeff Gunn explained that he was the pastor of CrossWalk Church since 2004 and had been working in the community since 1996. He respects those who are in opposition, but feel they are in opposition to the parcel and not the church. The design of the project reflects the character and love for the community. This location will allow the church to grow and thrive.

Seven additional cards were submitted in support of the item, but not wishing to speak:

- Don Medlin
- Anthony Nunez
- Leonard F. Walker
- Jaluita B. Walker
- Don Lay
- David Pawlowski
- Mike Tucker

Sixteen cards were submitted in opposition to the item with thirteen indicating they wished to speak.

Mr. Randy Jones and Mr. Brian Horton donated their time to **Mr. Phil Hertel**.

Mr. Phil Hertel explained that he was before the committee to speak personally on the case. He is more comfortable with the project now that the applicants have agreed to a time stipulation. The owner of the property might not be the golf course, but this property was still intended to be part of the larger golf course. The condition of the site today should have nothing to do with the current request. The property should be taken care of. While he does not personally play golf, he has heard from others that a driving range is needed for a good golf course. Without one, the golf course does not work. He is worried that if this case is approved, the entire golf course will decline and it will need to be rezoned to be viable. His suggestion is to have the applicant bring back a plan that includes area for a driving range.

Mr. Kurt S. Gronlund commented that he owned property in the neighborhood. The HOA voted to allow a 30-year shortcut for the golf course. In 2001, CCRs and a REMA were developed and included provisions that no land could be converted to another use unless a two-thirds vote of the community took place. These provisions cannot be changed. In 2011 a second amendment to the REMA was executed. A law firm wrote the second and third amendments, but the errata determined that they were not legal. The property was then sold to Jaguar, the current owner. The votes of the HOA are not by authorized people. The board is currently illegal.

Ms. Yolanda Gutierrez explained that she has lived in the community since 2010. The HOA president that spoke previously stated the majority of the residents want this, but the community has not been asked. The community and homeowners should have a say and should be able to speak about the correct process and what needs to be done. The project only had one community meeting and very little communication occurred. The committee should hold off on voting on the case until the community has their say and vote.

Ms. Patrice Herring explained that she had lived in the community for thirteen years and has two young children. She purchased her home because it was in a gated community. She would like the vote that she was promised when she purchased the home.

Ms. Maria David commented that the community needs to have the right to vote. A church is a good use, but not at this location. There should be additional protection from traffic.

Ms. Idorisa Arx, Mr. Jesse J. Arx, Ms. Mari Smith, Mr. Jeff Smith and Ms. Wendy Ensminger donated their time to **Ms. Bobbie McLeod**.

Ms. Bobbie McLeod explained that both she and Ms. Ensminger were members of the Cottonfields community. Laveen is a special and unique place and we need to maintain the character of our community even when we continue to develop. The original developer appeared before the LCRD in 2001 when they requested to rezone half of the original golf course property. The LCRD recommended that the developer put some sort of protection in place to protect the homeowners. This is when the REMA was developed.

Article 5 of the REMA states that the golf course should be used "solely and exclusively" for golf course or open space use. Article 12 of the REMA details the specific requirements to terminate, change or cancel and dictates that the two-thirds vote take place for changes. The owner of this property knew of this requirement when they purchased. The current HOA attorney has commented that the REMA cannot be amended without the community vote.

The General Plan designation for the property is parks and open space. The proposal is not consistent with the General Plan and does not conform to the character of Laveen. The developer also owns property along Southern Avenue and intends to develop it for commercial uses as well. The development does not offer acceptable buffers to residential. This is a safety issue for our community. You have heard comments that the driving range is no longer used, but it is still used by both adults and children. Allowing commercial use on this property will decrease property values. The opposition to the case is not directed at the place of worship. Instead, we just want to be treated fairly and have our opinion heard.

Three additional cards were submitted in opposition to the item, but not wishing to speak:

- Amelia B. Pintos
- Ethel Williams
- Tracey Collins

Mr. Carlos Ortega asked if the site will accommodate all of the people planned for the church and if the campus will eventually be used for children. **Mr. Lazarus** explained that one sanctuary would be for children and the other for adults. In addition, there was sufficient parking and cross-access opportunities planned. **Pastor Gunn** replied that the church does not currently have plans for a children's school.

Mr. John Mockus asked if the REMA agreement has been addressed. **Mr. Lazarus** explained that the REMA is a private agreement, zoning does not take this into consideration. Lawsuits are not in the VPC's purview. A portion of the community disagreed with the sale of this property and filed a lawsuit. A judgement was filed and a settlement agreement reached to allow this parcel to be excluded. A two-thirds vote is still required to change the use of the other parcels. In 2011, the owner of the property pulled out three parcels of land to keep the golf course afloat. The golf course has a history of different owners and different parties taking over maintenance. The opportunity to rezone the three parcels was built into the agreement to sell the property.

Ms. Jennifer Rouse stated that she has similar concerns regarding parking and how many pads would be built. **Ms. Rutkowski** provided the parking breakdown for the site and stated that they did not intend to operate all facets of the property at once.

Mr. Gary Flunoy asked if there was an attempt to reach out to the community regarding the proposal. **Mr. Lazarus** responded that there was a neighborhood meeting held in addition to attendance at two LCRD meetings. The project would be heard at tonight's VPC meeting as well as the forthcoming Planning Commission and City Council hearings. In addition, the development team has created a website and reached out with social media.

Mr. Flunoy asked about the current membership of the church. **Pastor Gunn** replied that they currently have about 500 to 600 attendees on Sundays. **Ms. Rutkowski** added that the church wants easy access. Traffic is not a good thing for a church. **Mr. Lazarus** also commented that they have worked with the city on access and do not believe any increased traffic would affect the neighborhood.

Mr. Jon Kimoto asked for a clarification on why C-1 zoning was needed. **Mr. Lazarus** explained that they had to pick a category that allowed for both commercial uses and cross access to the church facility. Residential zoning would not allow cross access.

Mr. Kimoto asked that if the VPC recommended approval, would the client agree to the addition of the nine LCRD stipulations? If so, he would also recommend additional stipulations for landscaping to tie in the streetscape plan including the existing tree, shrub and groundcover palette already established on the north side of the road.

Chairman Ricardo Cortazar explained that the overall theme in comments thus far was that the church is not a bad land use, but the process was not followed. **Mr. Lazarus** stated that the CC&Rs do not apply to the subject site.

Mr. Edward Olaya stated that he understands that this property is a different parcel, but is concerned that the residents of the community have not been involved. What have the comments from the community been? **Mr. Lazarus** responded that the comments have been mixed. Some have stated that it is a good land use.

Mr. Phil Wooley asked for clarification that the REMA does not have anything to do with the zoning case. **Mr. Lazarus** confirmed that it was a separate issue, but understands the sensitivity involved. However, the decision should be based on land use.

Mr. Wooley continued that he thought CrossWalk is a great community-based neighbor but wondered if alternate sites were looked at. **Mr. Lazarus** responded that this is the most appropriate site.

Ms. Judy Mercado asked if the plan were approved, would the community input on tenants be taken into account? **Mr. Lazarus** replied that C-1 has a smaller list of permissible uses than the C-2 zoning district. The site has been designed for smaller users.

Vice Chair Robert Branscomb stated that he feels the church will be a good neighbor, but still has some concerns. He understands that what is at issue is a private agreement, but he feels it is still important to get community input. The golf course was a selling

feature to those who bought in the community. **Mr. Lazarus** responded that no zoning cases take a vote of the community. It would be virtually impossible to receive an affirmative two-thirds vote because everyone who does not respond is counted as a 'no' vote. The owner purchased this property to try and save the golf course.

Vice Chair Branscomb asked if the community was notified of the sale of this piece of property. **Mr. Lazarus** explained that the HOA board was aware. The owner of the property at that time offered to sell the property to the HOA, but they did not buy it.

Ms. Linda Abegg commented that even if a two-thirds vote is not required, the applicant could try to get people's opinions. This could be a tool for harmony. **Mr. Lazarus** responded that he wished there could be harmony, but if this were done he would still expect a split vote.

Chairman Cortazar commented that people were still charged to use the driving range.

Ms. Tonya Glass stated that she had a question about the retail uses. With the church use being so close, no liquor license would be granted for the retail portion of the development. She had concerns this would dissuade quality tenants and she is worried about the sustainability of the development. Would the retail end up being operated by the church? **Mr. Lazarus** responded that the church does not plan to operate retail. It is still early and they are working on recruiting appropriate businesses, but plan to recruit small boutique stores.

MOTION:

Mr. Edward Olaya motioned to approve the request per staff's recommendation with the addition of the nine LCRD stipulations, noting that LCRD Stipulation 7 be updated to not include any opportunity for C-1 uses. **Mr. Phil Wooley** seconded the motion.

VOTE:

8-4 – Motion to approve with additional stipulations passes (Cortazar, Flunoy, Glass and Ortega dissenting).

7. Presentation and discussion on General Plan next steps and the Laveen Village Character Plan.

Ms. Samantha Keating provided an overview of the changes to the draft plan. She noted that she was still looking for additional input regarding place-based examples for the land use and design principles, in addition to feedback on the goals and to-do list. Because the earlier items on the agenda took a good amount of time, a survey would be sent out to gain additional comments on these items.

Vice Chair Robert Branscomb and **Mr. Carlos Ortega** suggested that activities for youth and senior centers be added as goals.

8. Staff update on cases recently reviewed by the Committee (not for committee discussion or public input).

Ms. Samantha Keating provided an update on the PHO case (PHO-1-16—Z-114-04) at 27th Avenue the committee heard at the last meeting. **Ms. Keating** explained that the case was denied by the Planning Hearing Officer, but then appealed by the applicant. The case would next be heard by the Planning Commission, likely at their September 1, 2016 meeting.

Several committee members asked to be sent the agenda with further information regarding the case.

9. Committee member requests for information, follow-up or future agenda items (not for committee discussion or action).

Ms. Tonya Glass asked for an update on the Sachs-Webster property.

10. Committee Announcements and presentation by committee members about various meetings, conferences, and planning activities they attended.

Ms. Wendy Ensminger announced that the next LAHOA meeting will be on August 25th. The county and the CAO will be in attendance.

11. Adjournment.

The meeting was adjourned at 9:02 PM.