PLEASE RESPOND ELECTRONICALLY TO JULIANNA PIERRE 2ND FLOOR, 602-262-4544

City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Departments Concerned

Date: February 9, 2021

From: Alan Stephenson
Planning & Development Department Director

Subject: **P.H.O. APPLICATION NO. PHO-3-21--Z-129-95-3 –** 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 **March 17, 2021**.

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 **February 16, 2021**.

DISTRIBUTION
Mayor's Office (Lisa Fernandez), 11th Floor
City Council (Matthew Heil), 11th Floor
Aviation (Sheldon Daisley)
CED (Michelle Pierson), 20th Floor
Fire Prevention (Aaron Conway), 2nd Floor
Light Rail (Joel Carrasco/Special TOD Only)
Neighborhood Services (Gregory Gonzales, Lisa Huggins), 4th Floor
Parks & Recreation (Natasha Hughes), 16th Floor
Public Transit (Kathryn Boris)
Public Works (Ray Dovalina, Kristina Jensen, Elise Moore, Rudy Rangel), 5th Floor
Street Transportation Department (Maja Brkovic, Alan Hilty, Chris Kowalsky), 5th Floor
Street Transportation - Ped. Safety Coordinator (Mailen Pankiewicz), 5th Floor Water Services (Don Reynolds, Victor Romo), 8th Floor
Planning and Development (Alan Stephenson, Joshua Bednarek), 3rd Floor Planning and Development/Information Services (Ben Ernyei, Andrew Wickhorst), 4th Floor
Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor
Planning Hearing Officer (Tricia Gomes, Adam Stranieri, Julianna Pierre), 2nd Floor
Village Planner (David Simmons, Deer Valley Village)
Village Planning Committee Chair (Joseph A. Grossman, Deer Valley Village)

City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-3-21--Z-129-95-3

Council District: 3

Request For: Stipulation Modification

Reason for Request: Deletion of Stipulation 1 regarding general conformance to the site plan dated September 18, 1995. Deletion of Stipulation 6 regarding driveways on 7th Avenue and Bell Road. Deletion of Stipulation 7 limiting number and design of pads. Deletion of Stipulation 9 regarding a variance for an 8 foot wall on the south property line. Deletion of Stipulation 10 regarding construction, maintenance, and repair of the south perimeter wall. Deletion of Stipulation 12 regarding an average 25 foot landscape buffer along the south property line. Deletion of Stipulation 13 prohibiting illumination of the ice rink roof. Deletion of Stipulation 14 regarding speed bumps in main driveway aisles. Deletion of Stipulation 15 limiting height of freestanding signs. Deletion of Stipulation 16 regarding notifications for future Site Plan Review Division meetings. Deletion of Stipulation 17 requiring construction commence within 24 months of City Council approval. Technical corrections to Stipulations 3 and 5.

Owner	Applicant	Representative
Turner Property Development II, LLC	Geyser Management LLC	Susan Demmitt/Gammage & Burnham, PLC
6445 Morning Drive	3107 East San Miguel	40 North Central Avenue, 20th Floor
Winnemucca NV 89445	Phoenix AZ 85016	Phoenix AZ 85004
(602) 256-4456	(602) 256-4456	P: (602) 256-4456 F:
sdemmitt@gblaw.com	jeff@lawrenceandgeyser.com	sdemmitt@gblaw.com

Property Location: Approximately 330 feet east of the southeast corner of 7th Avenue and Bell Road

Zoning Map: M-8 Quarter Section: 36-27 APN: 208-34-674 Acreage: 1.68

Village: Deer Valley
Last Hearing: CC RATIFICATION
Previous Opposition: No
Date of Original City Council Action: 02/21/1996
Previous PHO Actions: 12/08/1999 05/03/2006
Zoning Vested: C-2
Supplemental Map No.: 988 1003
Planning Staff: 078321

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.mailbox@phoenix.gov or visit our website at http://phoenix.gov/pdd/licensetimes.html.

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

Fee	Fee Waived	Fee Date	Receipt	Purpose
$1,725.00	$0.00	01/29/2021	21-0008182	Original Filing Fee

Signature of Applicant: _____ DATE: _____

Hearing Results

Planning Hearing Officer	Planning Commission	City Council
Date: 03/17/2021 1000 AM	Date: _____	Date: _____

Appealed?: _____ Appealed?: _____
Action: _____ Action: _____ Action: _____

GAMMAGE & BURNHAM, PLC
ATTORNEYS AT LAW
40 NORTH CENTRAL AVENUE
20TH FLOOR
PHOENIX, ARIZONA 85004

January 29, 2021

Susan E. Demmitt (602) 256-4456
sdemmitt@gblaw.com

Mr. Adam Stranieri
Planning Hearing Officer
City of Phoenix
Planning & Development Department
200 West Washington Street, 2nd Floor
Phoenix, Arizona 85003

Re: Planning Hearing Officer Stipulation Modification Application for 601 West Bell Road / Case No. Z-129-95-3.

Dear Mr. Stranieri:

We represent Geyser Management LLC ("Geyser"), which is proposing to redevelop +/-1.36 acres of property located at 601 West Bell Road, approximately 300-feet east of the southeast corner of 7th Avenue and Bell Road ("Property"), with two new restaurant pads with drive-throughs. See Tab A – *Property Aerial Map*. The Property is zoned C-2 and currently accommodates a +/- 8,800 square-foot restaurant building. The Property is also identified as Assessor's Parcel No. 208-34-674 and Lot 1 of Griffith Subdivision Lot 2 Amended (Maricopa County Recorder's No. 2007-1134178 and City of Phoenix KIVA# 03-3137, SDEV 0400049).

As shown on Tab B – *Proposed Site Plan*, Geyser is proposing to demolish the current building and split the Property into two separate development parcels. The east pad, Parcel A, is planned to accommodate an approximately 886 square-foot Dutch Bros coffee shop with double drive-through lanes. There will be no public access to the restaurant building, which will provide walk-up and drive-through service only. An approximately 400 square-foot outdoor dining patio is planned to wrap the northeast corner of the building. The outdoor dining patio will include landscaping and hardscape, including a shade cover, to create an inviting and comfortable environment for restaurant patrons. Geyser anticipates that the west pad, Parcel B, will be developed as an additional restaurant use with drive-through and outdoor patio. Both proposed restaurant uses with drive-throughs are permitted under the Property's C-2 zoning.

The Property's existing zoning is subject to stipulations from a prior zoning case (Z-129-95-3), which encompassed the ten (10) gross acres located at the southeast corner of 7th Avenue and Bell Road, including the Property. There have been two subsequent Planning Hearing Officer applications processed for portions of the overall ten acre property, but our review of the record leads us to believe that the Property is still subject to the original zoning stipulations from Z-129-95-3. A separate memo has been included that details the zoning history for the Property.

The stipulations from Z-129-95-3 included a stipulation requiring general conformance with a stipulated site plan as well as stipulations that imposed a limitation on the number of pads and driveways that can be developed along Bell Road. In order to accommodate the proposed redevelopment, Geyser is proposing to delete the following stipulations from Z-129-95-3 as follows:

~~1. That development be in general conformance to the site plan dated September 18, 1995, as amended by the stipulations below.~~

Request: **Delete Stipulation No. 1**. The original zoning case included a proposed ice skating rink that was a sensitive use given adjacent residential zoning. Many of the original stipulations focused on site plan elements specific to the ice skating rink. The ice skating rink concept has since been replaced by a much larger automobile body shop. With this redevelopment over the years, the importance of a stipulated site plan for the remaining properties along Bell Road has diminished. Deletion of Stipulation No. 1 will allow for flexibility for development of the second pad, which may be developed with a restaurant or another use as allowed by-right under the Property's C-2 zoning. Future development on the pads will be subject to the City's site plan review process and the constraints of the existing site, which will ensure compliance with all applicable development standards.

2. That an average 40-foot landscaped setback be provided along Bell Road. No more than 50 percent of this landscape setback shall be used for retention purposes.

3. That an average 20-foot landscaped setback be provided along 7th Avenue. Landscaping within this setback shall include mature shade trees, planted 20 feet on-center or in equivalent groupings as approved by the Development Services Department. The landscape setback shall also include berming and/or decorative walls to screen the parking areas as approved by the Development Services Department. No more than 50 percent of this landscaped setback may be used for retention purposes.

4. That the portion of landscaping or usable space that surrounds each commercial pad area be approximately 35 percent of the building square footage. That approximately one-third (1/3) of the site improvements surrounding the building should be landscaped. If no parking is provided in front of the pad, all landscaping behind the public sidewalk on the pad site may be utilized in meeting this stipulation.

5. That sidewalks within required setback areas be set back a minimum of eight (8) feet from the curb on Bell Road and 7th Avenue to create a landscaped buffer between pedestrians and adjacent automobile traffic, as approved by Development Services Department.

~~6. That site access shall be limited to a maximum of three (3) driveways each to 7th Avenue and Bell Road. Shared access shall be provided with the adjoining land to the east, if developed with commercial zoning.~~

Request: **Delete Stipulation No. 6**. Deletion of Stipulation No. 6 will allow for a new driveway along Bell Road to provide direct access to both proposed development pads. In order to provide more convenient access to the proposed restaurant pads and to mitigate pedestrian-automobile conflicts, Geyser is evaluating the potential for a new driveway at the midpoint between the proposed development pads, along the Property's Bell Road frontage. As a result of the existing median in Bell Road, the proposed driveway will be right-in, right-out, thus ensuring no conflicting traffic movements with westbound Bell Road traffic. The proposed driveway will be subject to the City's site plan review process, which will determine the appropriate location and configuration of the driveway.

~~7. That three pads be allowed, but designed to minimize the effect of a strip mall, including maximizing view corridor and integrating landscaping.~~

Request: **Delete Stipulation No. 7**. The 1995 zoning case (Z-129-95-3) was originally processed to accommodate three (3) commercial pads along Bell Road (two undefined commercial buildings and a gas station at the immediate corner) and the ice skating rink to the south. To maintain view corridors into the ice skating rink pad and manage the number of buildings along Bell Road, a stipulation was put in place to limit the number of commercial pads along Bell Road to three (3). Since the 1995 approval, an automobile body shop, the Bell Collision Center, was developed in place of the ice rink. In order to screen the auto body shop use from Bell Road, an approximately 6' wall was constructed along the north end of the automobile body shop pad. Additionally, a stipulation modification was processed in 2006 for the .91 acre parcel located immediately to the east of the Property (PHO-2-06). PHO-2-06 was processed specifically to eliminate the "three pad" limitation to allow for the development of a new commercial pad. PHO-2-06 was approved and a fourth pad (now an Enterprise Rental Car) was developed along Bell Road. Given that PHO-2-06 was specific to the .91 acre property, the three pad stipulation still remains in place with regard to the subject Property. Given the current development pattern, existing screen wall for the automobile body shop use, and prior PHO approval, the stipulation limiting the number of pads along Bell Road should be eliminated for this portion of the overall property as was done in PHO-2-06. The proposed restaurant pads will accommodate two (2) separate restaurant buildings that will be designed and landscaped in accordance with current City standards, and will maintain the existing development pattern along Bell Road.

8. That the applicant shall agree to record covenants, conditions and restriction (CC & R's) on the property ensuring the continued maintenance of the property and that trash or graffiti that appear within the boundaries of the development be removed within forty-eight (48) hours after discovery in order to discourage future defacement and destruction of the property.

~~9. That, within 120 days of approval by the City Council of the requested C-2 zoning, that applicant shall file a variance request with the Zoning Administrator seeking approval of an eight (8) foot high wall to be constructed on the south property line between the subject property and the DR. Horton residential development located to the south. Should the request for an over-height wall be approved, the perimeter wall shall be shown on the site plan for the ice rink to be submitted to the Site Plan Division of the Development Services Department.~~

Request: **Delete Stipulation No. 9** as no longer applicable.

~~10. That the south perimeter wall shall be constructed prior to or concurrent with development located adjacent to the south property line. Said wall shall be fully grouted (for noise attenuation) and shall include a design, materials, and paint consistent with the existing D.R. Horton perimeter wall. The maintenance and repair of the proposed wall shall be the responsibility of the commercial property owner adjacent to the wall.~~

Request: **Delete Stipulation No. 10** as no longer applicable.

11. That all freestanding security lighting shall be of recessed cut-off design and shall conform to the lighting standards of the City of Phoenix.

~~12. That an average twenty-five (25) foot landscape buffer be provided along the south property line. Said landscape buffer shall be planted with a double row of drought-resistant shade trees spaced twenty (20) feet on center in a staggered alignment and shrubbery as approved by the Site Plan Division of the Development Services Department of the City of Phoenix. The commercial property owner adjacent to the proposed landscape strip shall maintain the landscaping and replace any dead trees or shrubs in a timely manner, not to exceed four (4) weeks after removal.~~

Request: **Delete Stipulation No. 12** as no longer applicable.

~~13. That the ice rink roof shall not be illuminated.~~

Request: **Delete Stipulation No. 13** as no longer applicable.

~~14. That the main driveway aisles on the ice rink site shall incorporate speed bumps.~~

Request: **Delete Stipulation No. 14** as no longer applicable.

~~15. That any freestanding sign for the ice rink be limited to ten (10) feet in height maximum.~~

Request: **Delete Stipulation No. 15** as no longer applicable.

~~16. That the applicant and the City of Phoenix Site Plan Division shall notify Ken Groom (415 W. Aire Libre, Phoenix, AZ 85023) and Jeff Marek (604 W. Kelton, Phoenix, AZ 85023) for future meetings with the City of Phoenix Development Services Site Plan (Review Division regarding the subject site.~~

Request: **Delete Stipulation No. 16** as no longer applicable. According to Maricopa County Assessor records, Mr. Groom and Mr. Marek no longer own or reside at 415 West Aire Libre and 604 West Kelton Avenue, respectively.

~~17. That construction of the ice rink shall commence within 24 months of City Council approval in accordance with Section 506.B.~~

Request: **Delete Stipulation No. 17** as no longer applicable.

***

Should you have any questions or require additional information regarding these requests, please do not hesitate to contact me at **(602) 256-4456** or **sdemmitt@gblaw.com.** Thank you.

Sincerely,

GAMMAGE & BURNHAM

By
Susan E. Demmitt

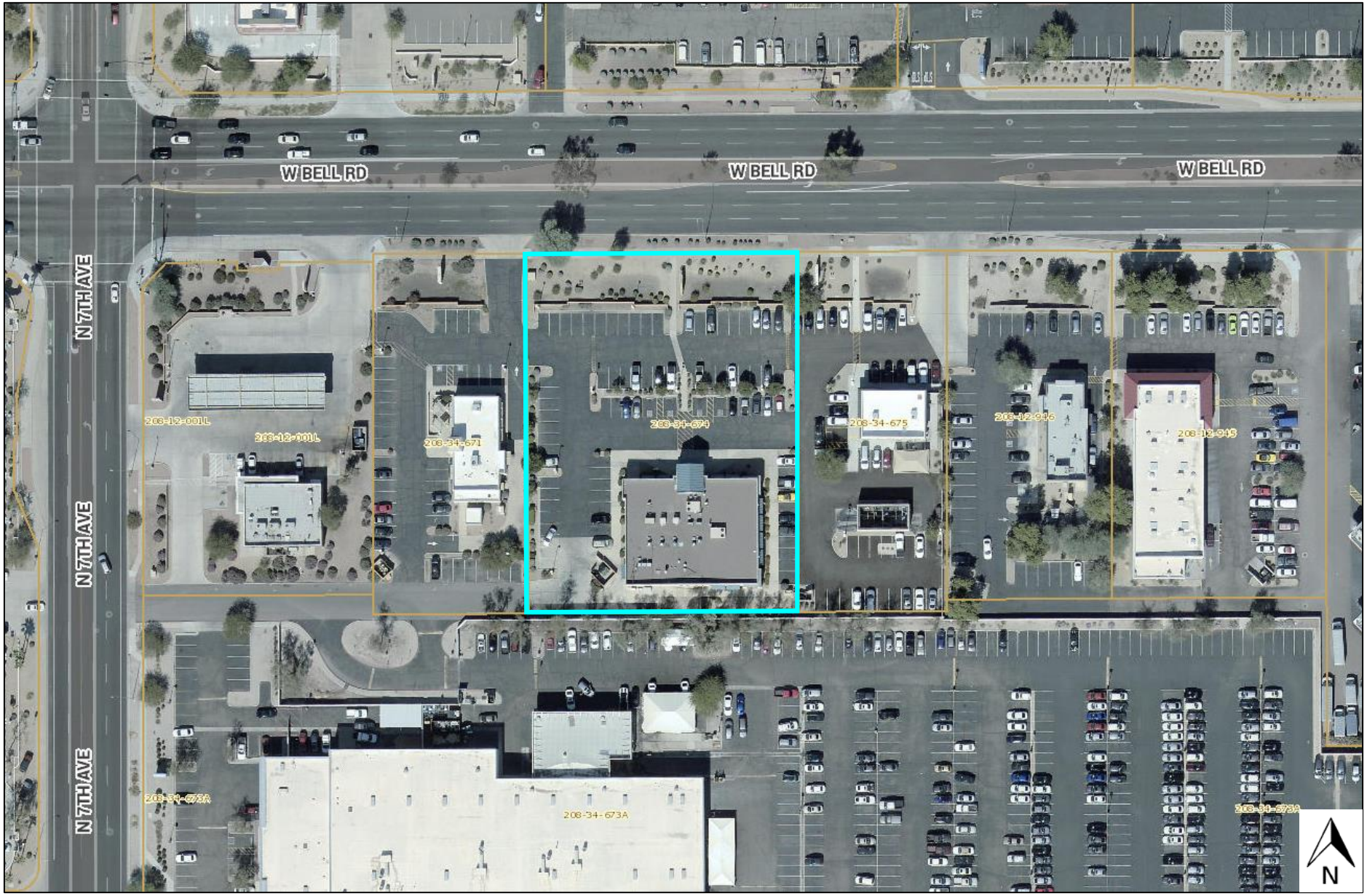
SED/ejb/nas

Enclosures

Tab A

Property Aerial Map

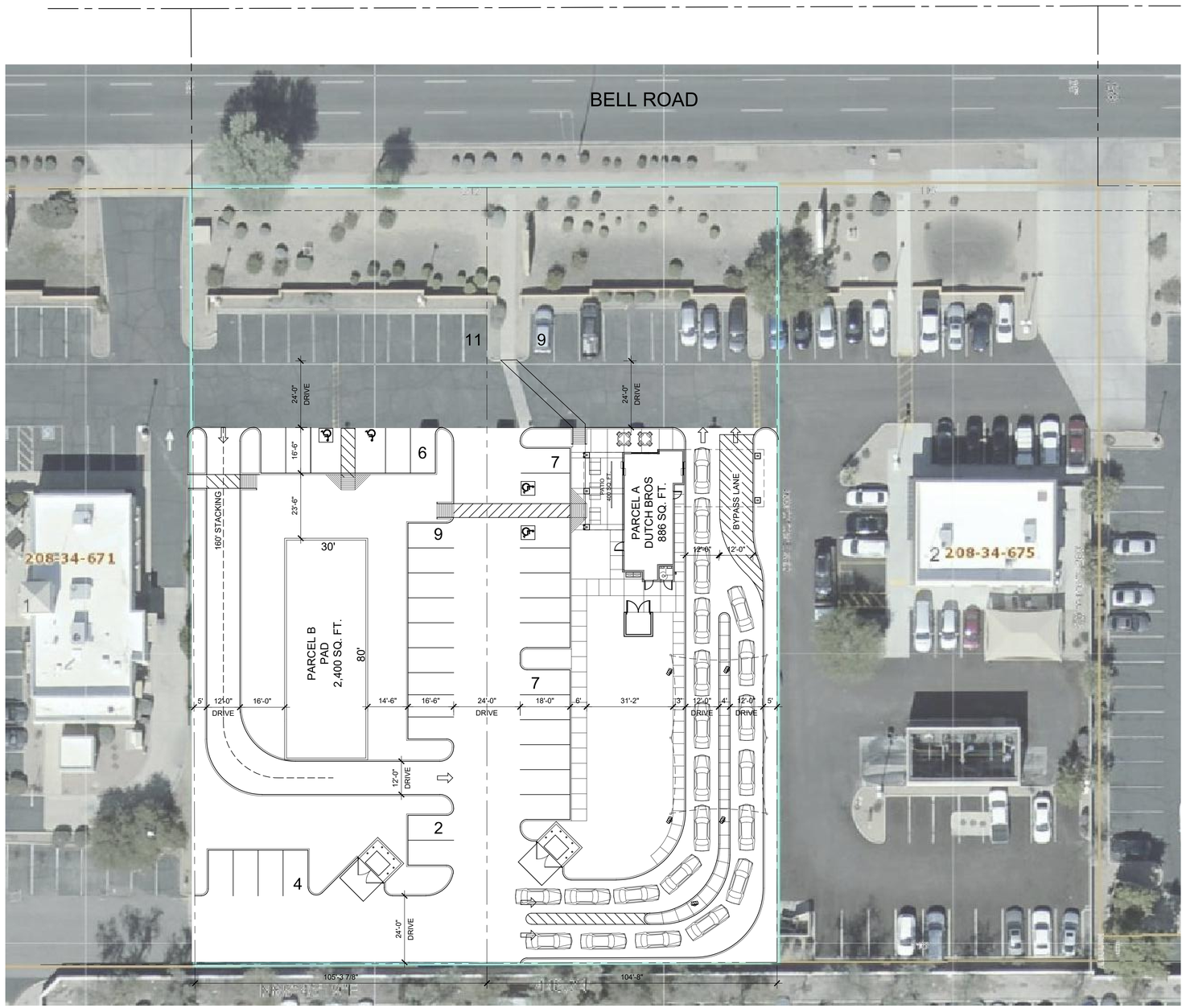
PROPERTY AERIAL MAP – 601 WEST BELL ROAD



SUBJECT PROPERTY

Tab B

Proposed Site Plan



SITE DATA

APN:	208-34-674
EXISTING ZONING:	C-2

PARCEL A:

SITE AREA:	29,318 S.F. (.67 AC)
BUILDING AREA:	886 S.F.
PATIO AREA:	400 S.F.
TOTAL AREA:	1,286 S.F.
CONSTRUCTION TYPE:	V-B
LOT COVERAGE:	1,280 / 29,318 X 100 = 4.37%

REQUIRED PARKING:

BUILDING	(1/50)	0 SPACES
PATIO	(1/50)	8 SPACES
TOTAL		8 SPACES

TOTAL PARKING PROVIDED: 23 SPACES

** DRIVE THRU QUEUING LANES CAN FIT UP TO 22 CARS.

PARCEL B:

SITE AREA:	29,645 S.F. (.68 AC)
BUILDING AREA:	2,400 S.F.
CONSTRUCTION TYPE:	V-B
LOT COVERAGE:	2,400 / 29,645 X 100 = 8.10%

PARKING:

REQUIRED (65% = 1,560/50)	32 SPACES
PROVIDED:	32 SPACES

CITY OF PHOENIX
JAN 29 2021
Planning & Development Department

0' 5' 10' 20' 30' NORTH

PHNX DESIGN
3707 EAST SOUTHERN AVE, SUITE 1090
MESA, ARIZONA 85205
602.762.7354

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PROPOSED SITE PLAN

601 WEST BELL ROAD
PHOENIX, ARIZONA 85023

△	DATE	REVISION
1		
2		
3		

PROPOSED SITE PLAN

A100

1	PROPOSED SITE PLAN	SCALE: 1" = 20'-0"	DATE: 10.14.2020

MEMORANDUM

GAMMAGE & BURNHAM, P.L.C.

February 1, 2021

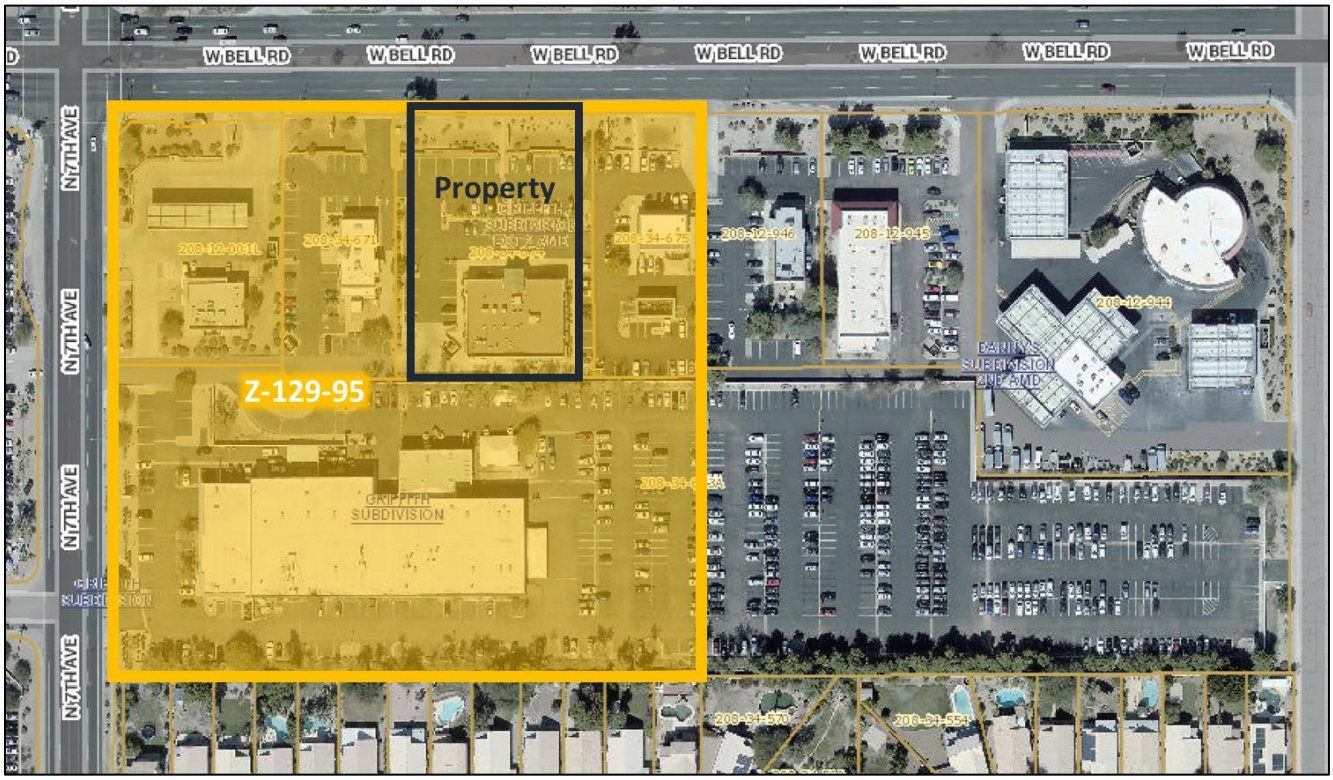
TO: Adam Stranieri

FROM: Susan E. Demmitt

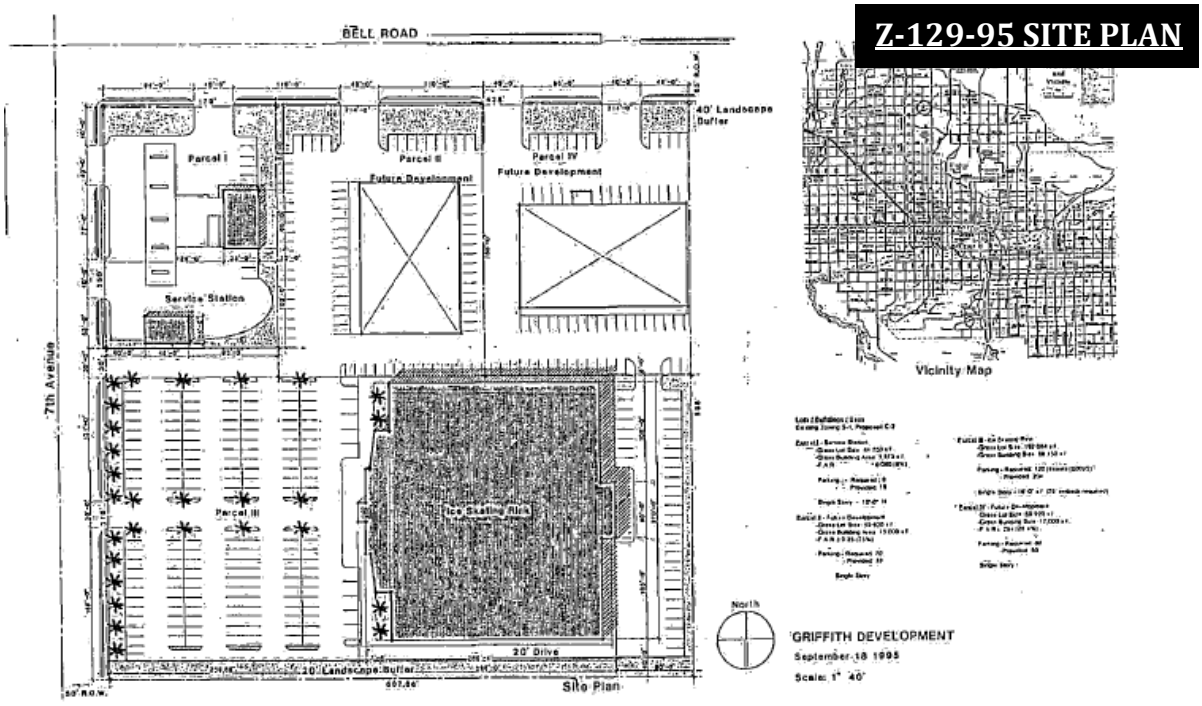
RE: 601 W. Bell Road – Zoning History.

This memorandum accompanies a Planning Hearing Office application that requests to modify certain stipulations pertaining to property located at 601 W. Bell Road (Assessor's Parcel No. 208-34-674), an approximately 1.36 acre property. The property is also known as Lot 1 of Griffith Subdivision Lot 2 Amended (Maricopa County Recorder's No. 2007-1134178 and City of Phoenix KIVA# 03-3137, SDEV 0400049), the "Property."

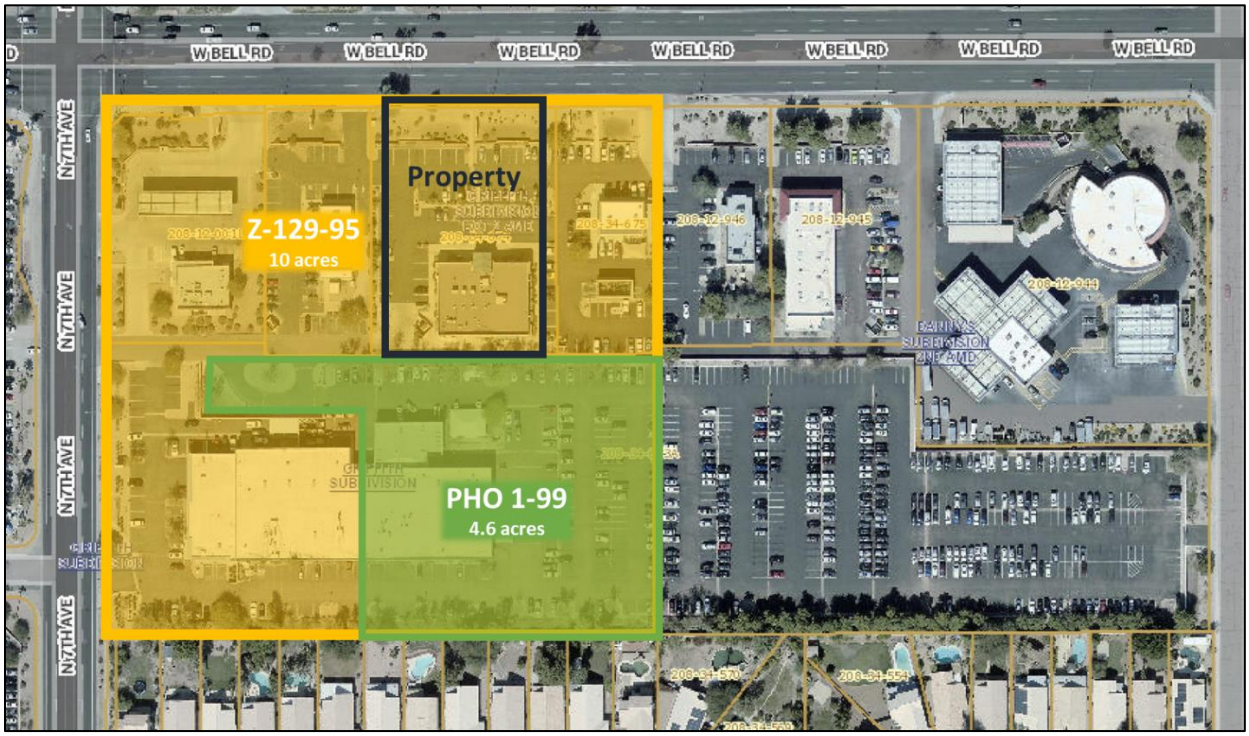
Z-129-95. The Property was first zoned in 1996 pursuant to zoning case no. Z-129-95, which encompassed the ten gross acres located at the immediate southeast corner of 7th Avenue and Bell Road. The property subject to Z-129-95 is highlighted in yellow below.



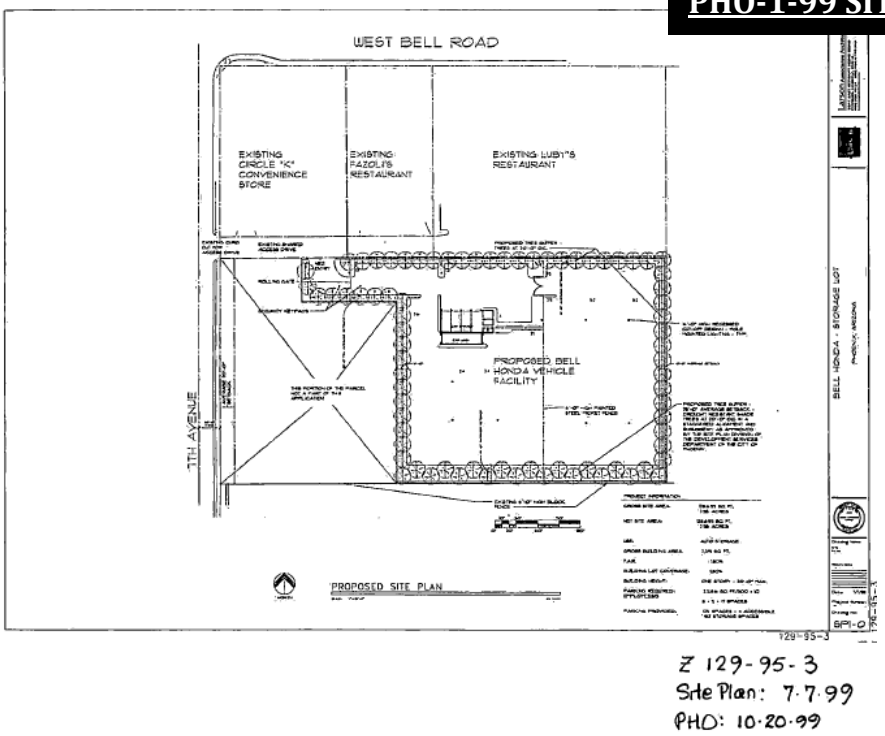
The development plan proposed at the time included four development parcels as follows: Parcel 1 – gas station on 44,750 sf; Parcel 2 – Future Commercial Building on 59,920 sf; Parcel 3 – Ice skating rink on 192,084 sf, and Parcel 4 – Future Commercial Building on 59,920 sf (***see below "Z-129-95 Site Plan"***). Z-129-95 was approved and rezoned the 10-acre property from S-1 to C-2 subject to 17 stipulations (***see attached Tab A***).



PHO-1-99. In 1999, application number PHO-1-99 was filed specific to a portion of Parcel 3 (as identified on the site plan for Z-129-95), which was originally planned as an ice skating rink. The application applied to the 4.36 acre parcel shown in green below.

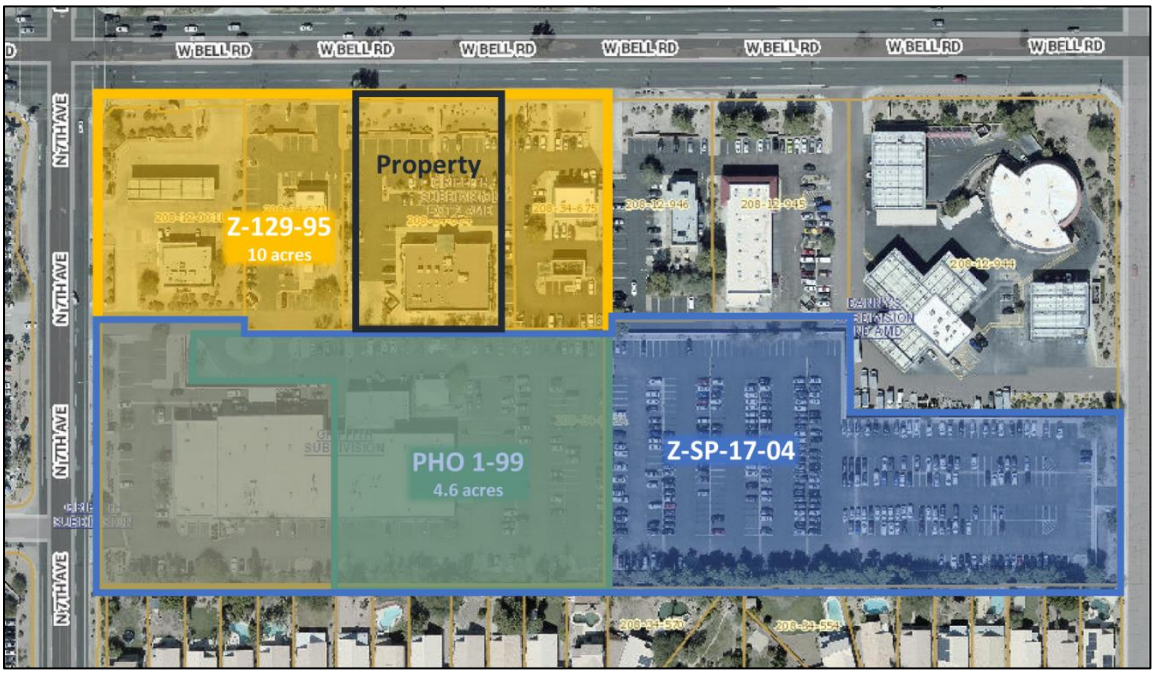


PHO-1-99 SITE PLAN

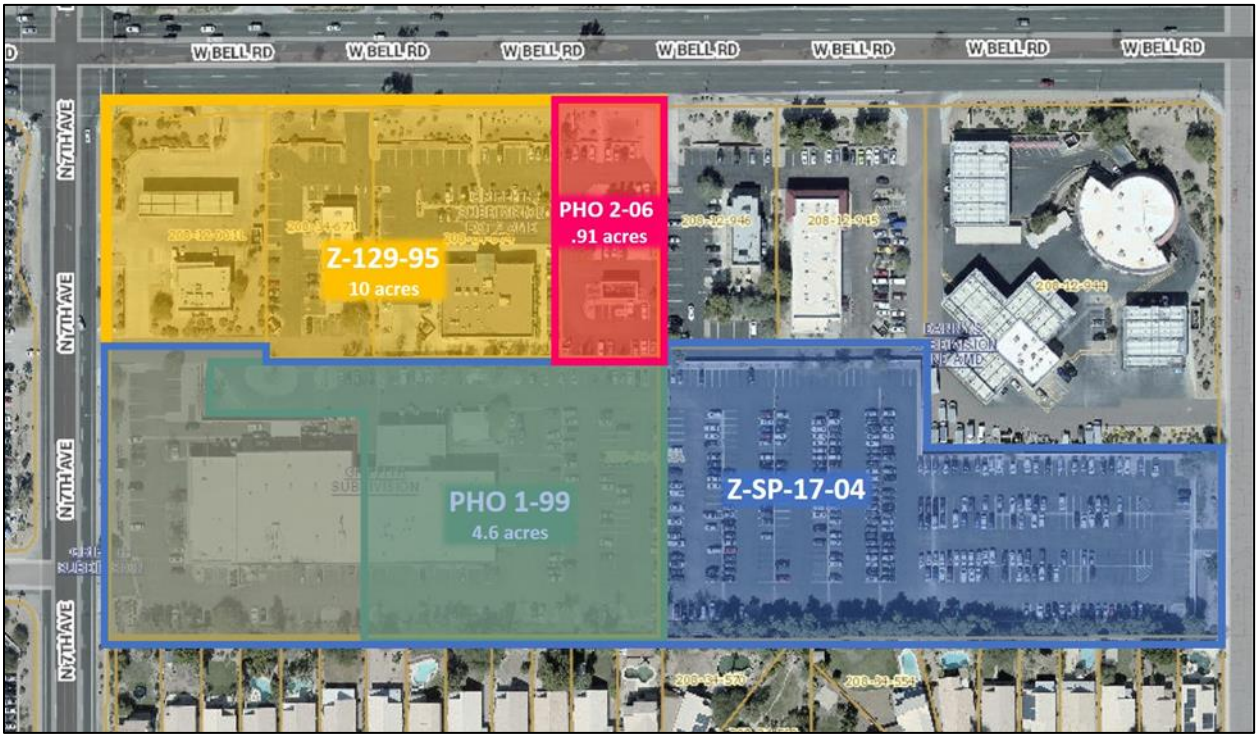


Several stipulations from Z-129-95 were modified via PHO-1-99 (***see attached Tab B***) to accommodate the development of an automobile storage facility on the 4.36 acres per the above site plan. PHO-1-99 was approved and the stipulations modified via PHO-1-99 were specific to the 4.36 acres and did not modify the original stipulations approved via Z-129-95 for the remainder of the original 10 acres.

SP-17-04. In 2004, a Special Permit case was processed to allow for an expanded automobile storage facility on the area highlighted in blue below. Although we have not reviewed this case, SP-17-04 would have resulted in a new set of stipulations applicable to the blue highlighted property, which is inclusive of the 4.36 acre property from PHO-1-99. The remaining yellow highlighted property was still subject to the original zoning stipulations from Z-129-95.



PHO-2-06. In 2006, a PHO application (PHO-2-06) was processed for the .91 acres highlighted in red below. This application sought to modify the stipulations applicable to the .91 acres to allow development of an additional commercial pad on the subject property as the original zoning approval included a limitation on the number of pads along Bell Road to three. A number of other stipulations were modified or deleted that pertained to other portions of the property, such as the former ice skating rink parcel, as they were no longer relevant. The stipulations as approved for PHO-2-06 are included as **Tab C** for reference. The stipulations approved with PHO-2-06 only apply to the .91 acre property and the remainder of the yellow highlighted property is still subject to the original zoning stipulations from Z-129-95.



Of particular note, a clerical error appears to have occurred in the approval letter for PHO-2-06. The applicant specifically requested to delete Stipulation 7, which limited the number of pads along Bell Road to three. Based on the record, the stipulation appears to have been deleted as requested. However, the approval letter inadvertently deleted Stipulation 6, which dealt with the number of driveways along Bell Road and also appears to have combined Stipulations 7 and 8 into a single stipulation. The requested additional pad building along Bell Road has since been constructed. We do not believe that this clerical error has any bearing on our current application given that the zoning stipulations application to the Property, as defined above, are the original stipulations for Z-129-95.

Based on our review and interpretation of the zoning history for the Property, our current Planning Hearing Officer application seeks to modify the underlying, original zoning stipulations from Z-129-95 as applicable to the Property only.

Tab A

City of Phoenix
CITY CLERK DEPARTMENT

Winner of the Carl Bertelsmann Prize
BEST RUN CITY IN THE WORLD

March 18, 1996

Mr. Paul E. Gilbert
Beus, Gilbert & Morrill
3200 North Central Avenue, Suite 1000
Phoenix, Arizona 85012-2417

RE: Application 129-95-3

Dear Mr. Gilbert:

The Phoenix City Council, at its meeting held February 21, 1996, considered your request to rezone approximately 10.0 acres located at the southeast corner of 7th Avenue and Bell Road from S-1 to C-2.

The Council granted this request subject to the following stipulations:

Stipulations

1. That development be in general conformance to the site plan dated September 18, 1995, as amended by the stipulations below.

2. That an average 40-foot landscaped setback be provided along Bell Road. No more than 50 percent of this landscape setback shall be used for retention purposes.

3. That an average 20-foot landscaped setback be provided along 7th Avenue. Landscaping within this setback shall include mature shade trees, planted 20 feet on-center or in equivalent groupings as approved by the Development Services Department. The landscape setback shall also include berming and/or decorative walls to screen the parking areas as approved by the Development Services Department. No more than 50 percent of this landscaped setback may be used for retention purposes.

4. That the portion of landscaping or usable hardspace that surrounds each commercial pad area be approximately 35 percent of the building square footage. That approximately one-third (1/3) of the site improvements surrounding the building should be landscaped. If no parking is provided in front of the pad, all landscaping behind the public sidewalk on the pad site may be utilized in meeting this stipulation.

5. That sidewalks within required setback areas be set back a minimum of eight (8) feet from the curb on Bell Road and 7th Avenue to create a landscaped buffer between pedestrians and adjacent automobile traffic, as approved by Development Services Department.

6. That site access be limited to a maximum of three (3) driveways each to 7th Avenue and Bell Road. Shared access shall be provided with the adjoining land to the east, if developed with commercial zoning.

7. That three pads be allowed, but designed to minimize the effect of a strip mall, including maximizing view corridor and integrating landscaping.

8. That the applicant shall agree to record covenants, conditions and restriction (CC & R's) on the property ensuring the continued maintenance of the property and that trash or graffiti that appear within the boundaries of the development be removed within forty-eight (48) hours after discovery in order to discourage future defacement and destruction of the property.

9. That, within 120 days of approval by the City Council of the requested C-2 zoning, that applicant shall file a variance request with the Zoning Administrator seeking approval of an eight (8) foot high wall to be constructed on the south property line between the subject property and the D.R. Horton residential development located to the south. Should the request for an over-height wall be approved, the perimeter wall shall be shown on the site plan for the ice rink to be submitted to the Site Plan Division of the Development Services Department.

10. That the south perimeter wall shall be constructed prior to or concurrent with development located adjacent to the south property line. Said wall shall be fully grouted (for noise attenuation) and shall include a design, materials, and paint consistent with the existing D.R. Horton perimeter wall. The maintenance and repair of the proposed wall shall be the responsibility of the commercial property owner adjacent to the wall.

11. That all freestanding security lighting shall be of recessed cut-off design and shall conform to the lighting standards of the City of Phoenix.

12. That an average twenty-five (25) foot landscape buffer be provided along the south property line. Said landscape buffer shall be planted with a double row of drought-resistant shade trees spaced twenty (20) feet on center in a staggered alignment and shrubbery as approved by the Site Plan Division of the Development Services Department of the City of Phoenix. The commercial property owner adjacent to the proposed landscape strip shall maintain the landscaping and replace any dead trees or shrubs in a timely manner, not to exceed four (4) weeks after removal.

13. That the ice rink roof shall not be illuminated.

14. That the main driveway aisles on the ice rink site shall incorporate speed bumps.

15. That any freestanding sign for the ice rink be limited to ten (10) feet in height maximum.

16. That the applicant and the City of Phoenix Site Plan Division shall notify Ken Groom (415 W. Aire Libre, Phoenix, AZ 85023) and Jeff Marek (604 W. Kelton, Phoenix, AZ 85023) for future meetings with the City of Phoenix Development Services Site Plan (Review Division regarding the subject site.

17. That construction of the ice rink shall commence within 24 months of City Council approval in accordance with Section 506.B.

If you require further assistance or information, please contact the Planning Department, located on the second floor of the Phoenix City Hall, 200 West Washington Street, or call 262-7131.

Sincerely,

Vicky Miel

Vicky Miel
City Clerk

VM/sd/0221zltr.w61

cc: Planning Department (4)
Street Transportation Department
David Moody, Development Services Department

Tab B

City of Phoenix

PLANNING DEPARTMENT

December 9, 1999

V.T., Inc.
1550 E. Missouri #300
Phoenix, AZ 85014

Dear Applicant:

RE: Rezoning Application No. 129-95-3 - Approx. 324' south of SEC 7th Avenue and Bell Road (approximately 4.6 acres).

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 506.B.1 of the Zoning Ordinance, has on December 8, 1999, concurred with the recommendation of the Planning Hearing Officer and recommended approval of modify/delete stipulations to reflect new site plan, and auto related use, subject to stipulations.

STIPULATIONS:

1. That development be in general conformance to the site plan dated July 7, 1999, as amended by the stipulations below.

2. That an average 40-foot landscaped setback be provided along Bell Road. No more than 50% of this landscape setback shall be used for retention purposes.

3. That an average 20-foot landscaped setback be provided along 7th Avenue. Landscaping within this setback shall include mature shade trees, planted 20 feet on center, or in equivalent groupings, as approved by the Development Services Department. The landscape setback shall also include berming and/or decorative walls to screen the parking areas, as approved by the Development Services Department. No more than 50% of this landscaped setback may be used for retention purposes.

4. That the portion of landscaping or usable hardspace that surrounds each commercial pad area be approximately 35% of the building square footage. That approximately one-third (1/3) of the site improvements surrounding the building should be landscaped. If no parking is provided in front of the pad, all landscaping behind the public sidewalk on the pad site may be utilized in meeting this stipulation.

5. That sidewalks within required setback areas be set back a minimum of eight (8) feet from the curb on Bell Road and 7th Avenue to create a landscaped buffer between pedestrians and adjacent automobile traffic, as approved by Development Services Department.

6. That site access be limited to a maximum of three (3) driveways each to 7th Avenue and Bell Road. Shared access shall be provided with the adjoining land to the east, if developed with commercial zoning.

7. That three pads be allowed, but designed to minimize the effect of a strip mall, including maximizing view corridor and integrating landscaping.

8. That the developer shall agree to record covenants, conditions, and restrictions (CC&R's) on the property ensuring the continued maintenance of the property and that trash or graffiti appearing within the boundaries of the development be removed within forty-eight (48) hours after discovery in order to discourage future defacement and destruction of the property.

9. That all freestanding security lighting shall be of a recessed cut-off design and shall conform to the lighting standards of the City of Phoenix.

10. That an average 25-foot landscape buffer be provided along the south property line. Said landscape buffer shall be planted with a double row of drought-resistant shade trees spaced 20 feet on center in a staggered alignment and shrubbery, as approved by the Site Plan Division of the Development Services Department of the City of Phoenix. The commercial property owner adjacent to the proposed landscape strip shall maintain the landscaping and replace any dead trees or shrubs in a timely manner, not to exceed four (4) weeks after removal.

11. That the applicant and the City of Phoenix Site Plan Division shall notify:
Ken Groom, 415 W. Aire Libre, Phoenix, AZ 85023; and
Jeff Marek, 602 W. Kelton, Phoenix, AZ 85023; for future meetings with the City of Phoenix Development Services Site Plan Review Division regarding the subject site.

12. There shall be no public address system on the site.

13. The developer shall, within 120 days of rezoning, apply for a variance to construct an 8-foot high wall along the southern boundary of the site. Such wall shall be fully grouted (for noise attenuation), and shall include a design, materials and paint consistent with the existing D.R. Horton perimeter wall. The maintenance and repair of the proposed wall shall be the responsibility of the commercial property owner adjacent to the wall.

Sincerely,

John R. Verdugo
Principal Planner

BA;law\f:\hearings\pho\rat\129-95-3

c: City Clerk
Michael Griffith (sent electronically)
Dave Barrier, DSD (sent electronically)
Case File
Paul Gilbert
Beus Gilbert PLLC
3200 N. Central #1000
Phoenix, AZ 85012
Bernadine Alling (sent electronically)
Steve Cohee (sent electronically)
E. J. Hyncik, Public Transit (sent electronically)
Book

Tab C

City of Phoenix

PLANNING DEPARTMENT

May 4, 2006

Alexa Lawrence
1234 East 17th Street
Santa Ana, CA 92701

Dear Applicant:

RE: Z-129-95-3 - Approximately 511 feet east of the southeast corner of 7th Avenue and Bell Road

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 506.B.1 of the Zoning Ordinance, has on May 3, 2006, concurred with the recommendation of the Planning Hearing Officer and has ratified application Z-129-95-3 for 1) modification of stipulation 1 regarding general conformance to the site plan; 2) deletion of stipulation 7 regarding three pads; 3) deletion of stipulation 9 regarding a variance; 4) deletion of stipulation 10 regarding the south perimeter wall; 5) deletion of stipulation 13 regarding illumination; 6) deletion of stipulation 14 regarding speed bumps; 7) deletion of stipulation 15 regarding a freestanding sign; 8)deletion of stipulation 17 regarding construction of a ice rink.

STIPULATION

1. That development be in general conformance to the site plan dated APRIL 5, 2006, as approved by the Development Service Department with specific regard to the following:

   - That the applicant provide a pedestrian connection between the two buildings located on the site, submit a revised landscape plan and elevations to the Planning Hearing Officer for administrative review

2. That an average 40-foot landscaped setback be provided along Bell Road. No more than 50 percent of this landscape setback shall be used for retention purposes.

3. That an average 20-foot landscaped setback be provided along 7th Avenue. Landscaping within this setback shall include mature shade trees, planted 20 feet on-center or in equivalent groupings as approved by the Development Services Department. The landscape setback shall also include berming and/or decorative walls to screen the parking areas as approved by the Development Services Department. No more than 50 percent of this landscaped setback may be used for retention purposes.

4. That the portion of landscaping or usable hardspace that surrounds each commercial pad area be approximately 35 percent of the building square footage.

5. That approximately one-third of the site improvements surrounding the building should be landscaped. If no parking is provided in front of the pad, all landscaping behind the public sidewalk on the pad site may be utilized in meeting this stipulation.

6. That sidewalks within required setback areas be set back a minimum of eight (8) feet from the curb on Bell Road and 7th Avenue to create a landscaped buffer between pedestrians and adjacent automobile traffic, as approved by Development Services Department.

7. That three pads be allowed, but designed to minimize the effect of a strip mall, including maximizing view corridor and integrating landscaping. That the applicant shall agree to record covenants, conditions and restriction (CC & R's) on the property ensuring the continued maintenance of the property and that trash or graffiti that appear within the boundaries of the development be removed within forty-eight (48) hours after discovery in order to discourage future defacement and destruction of the property.

8. That all freestanding security lighting shall be of recessed cut-off design and shall conform to the lighting standards of the City of Phoenix.

9. That an average twenty-five (25) foot landscape buffer be provided along the south property line. Said landscape buffer shall be planted with a double row of drought-resistant shade trees spaced twenty (20) feet on center in a staggered alignment and shrubbery as approved by the Site Plan Division of the Development Services Department of the City of Phoenix. The commercial property owner adjacent to the proposed landscape strip shall maintain the landscaping and replace any dead trees or shrubs in a timely manner, not to exceed four (4) weeks after removal.

10. That the applicant and the City of Phoenix Site Plan Division shall notify Ken Groom (415 W. Aire Libre, Phoenix, AZ 85023) and Jeff Marek (604 W. Kelton, Phoenix, AZ 85023) for future meetings with the City of Phoenix Development Services Site Plan (Review Division regarding the subject site.

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

Sincerely,

Donna Stevens

Donna Stevens
Planner III

cc: Kelly Walker (Sent electronically)
Jay Neville (Sent electronically)
Dave Barrier, DSD (Sent electronically)
Tom Sedlmeier (Sent electronically)
Book
Racelle Escolar (Sent electronically)
Shawn Stevens (Sent electronically)
Tricia Gomes (Sent electronically)
E.J. Hyncik, Public Transit(Sent electronically)
Case File
601 N Bell Road LLC, 1234 East 17th Street, Santa Ana, CA, 92701

City of Phoenix
CITY CLERK DEPARTMENT

Winner of the Carl Bertelsmann Prize
BEST RUN CITY IN THE WORLD

March 18, 1996

Mr. Paul E. Gilbert
Beus, Gilbert & Morrill
3200 North Central Avenue, Suite 1000
Phoenix, Arizona 85012-2417

RE: Application 129-95-3

Dear Mr. Gilbert:

The Phoenix City Council, at its meeting held February 21, 1996, considered your request to rezone approximately 10.0 acres located at the southeast corner of 7th Avenue and Bell Road from S-1 to C-2.

The Council granted this request subject to the following stipulations:

Stipulations

1. That development be in general conformance to the site plan dated September 18, 1995, as amended by the stipulations below.

2. That an average 40-foot landscaped setback be provided along Bell Road. No more than 50 percent of this landscape setback shall be used for retention purposes.

TC 3. That an average 20-foot landscaped setback be provided along 7th Avenue. Landscaping within this setback shall include mature shade trees, planted 20 feet on-center or in equivalent groupings as approved by the Development Services Department. The landscape setback shall also include berming and/or decorative walls to screen the parking areas as approved by the Development Services Department. No more than 50 percent of this landscaped setback may be used for retention purposes.

4. That the portion of landscaping or usable hardspace that surrounds each commercial pad area be approximately 35 percent of the building square footage. That approximately one-third (1/3) of the site improvements surrounding the building should be landscaped. If no parking is provided in front of the pad, all landscaping behind the public sidewalk on the pad site may be utilized in meeting this stipulation.

TC 5. That sidewalks within required setback areas be set back a minimum of eight (8) feet from the curb on Bell Road and 7th Avenue to create a landscaped buffer between pedestrians and adjacent automobile traffic, as approved by Development Services Department.

6. That site access be limited to a maximum of three (3) driveways each to 7th Avenue and Bell Road. Shared access shall be provided with the adjoining land to the east, if developed with commercial zoning.

7. That three pads be allowed, but designed to minimize the effect of a strip mall, including maximizing view corridor and integrating landscaping.

8. That the applicant shall agree to record covenants, conditions and restriction (CC & R's) on the property ensuring the continued maintenance of the property and that trash or graffiti that appear within the boundaries of the development be removed within forty-eight (48) hours after discovery in order to discourage future defacement and destruction of the property.

9. That, within 120 days of approval by the City Council of the requested C-2 zoning, that applicant shall file a variance request with the Zoning Administrator seeking approval of an eight (8) foot high wall to be constructed on the south property line between the subject property and the D.R. Horton residential development located to the south. Should the request for an over-height wall be approved, the perimeter wall shall be shown on the site plan for the ice rink to be submitted to the Site Plan Division of the Development Services Department.

10. That the south perimeter wall shall be constructed prior to or concurrent with development located adjacent to the south property line. Said wall shall be fully grouted (for noise attenuation) and shall include a design, materials, and paint consistent with the existing D.R. Horton perimeter wall. The maintenance and repair of the proposed wall shall be the responsibility of the commercial property owner adjacent to the wall.

11. That all freestanding security lighting shall be of recessed cut-off design and shall conform to the lighting standards of the City of Phoenix.

12. That an average twenty-five (25) foot landscape buffer be provided along the south property line. Said landscape buffer shall be planted with a double row of drought-resistant shade trees spaced twenty (20) feet on center in a staggered alignment and shrubbery as approved by the Site Plan Division of the Development Services Department of the City of Phoenix. The commercial property owner adjacent to the proposed landscape strip shall maintain the landscaping and replace any dead trees or shrubs in a timely manner, not to exceed four (4) weeks after removal.

13. That the ice rink roof shall not be illuminated.

14. That the main driveway aisles on the ice rink site shall incorporate speed bumps.

15. That any freestanding sign for the ice rink be limited to ten (10) feet in height maximum.

16. That the applicant and the City of Phoenix Site Plan Division shall notify Ken Groom (415 W. Aire Libre, Phoenix, AZ 85023) and Jeff Marek (604 W. Kelton, Phoenix, AZ 85023) for future meetings with the City of Phoenix Development Services Site Plan (Review Division regarding the subject site.

17. That construction of the ice rink shall commence within 24 months of City Council approval in accordance with Section 506.B.

If you require further assistance or information, please contact the Planning Department, located on the second floor of the Phoenix City Hall, 200 West Washington Street, or call 262-7131.

Sincerely,

Vicky Miel

Vicky Miel
City Clerk

VM/sd/0221zltr.w61

cc: Planning Department (4)
Street Transportation Department
David Moody, Development Services Department

PHO-3-21--Z-129-95-3

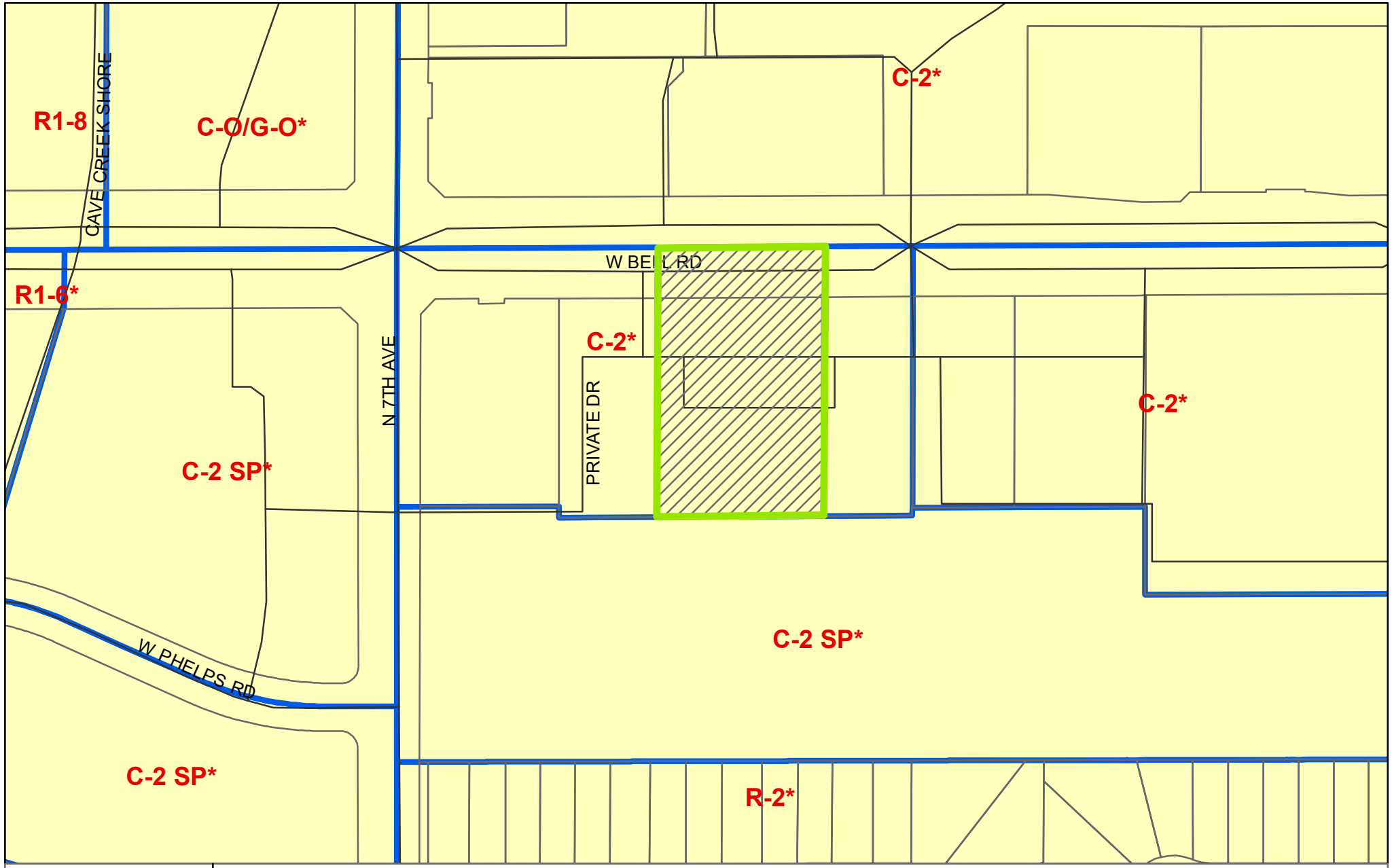
Property Location: Approximately 330 feet east of the southeast corner of 7th Avenue and Bell Road

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department

0 80 160 320 Feet

N



PHO-3-21--Z-129-95-3

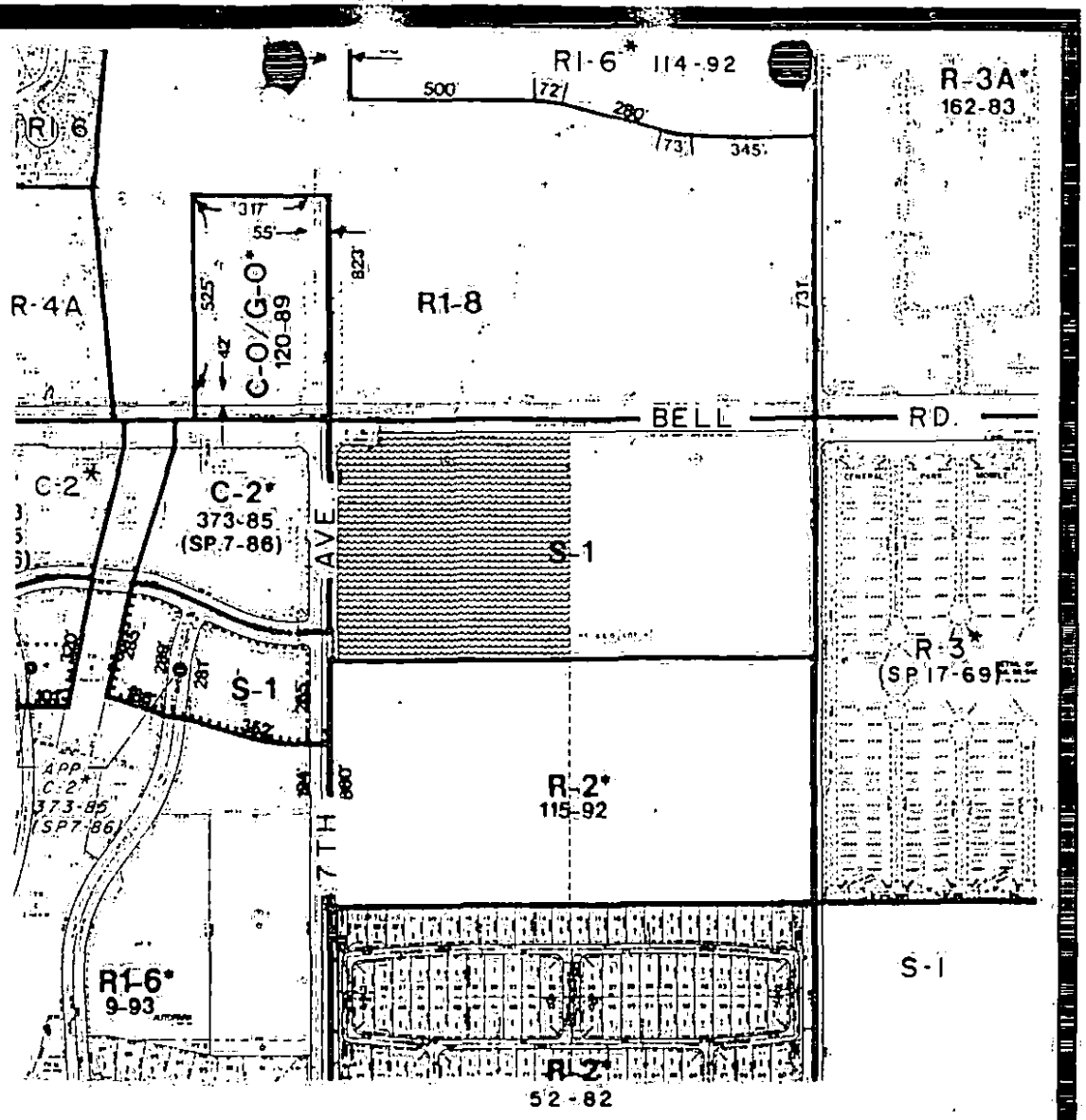
Property Location: Approximately 330 feet east of the southeast corner of 7th Avenue and Bell Road

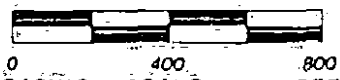
City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department

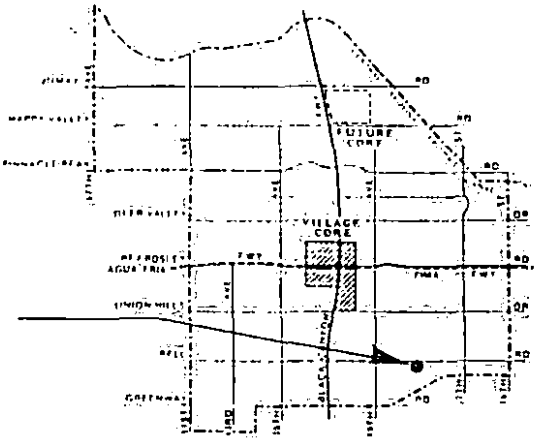
0 80 160 320 Feet

N





GRAPHIC SCALE IN FEET



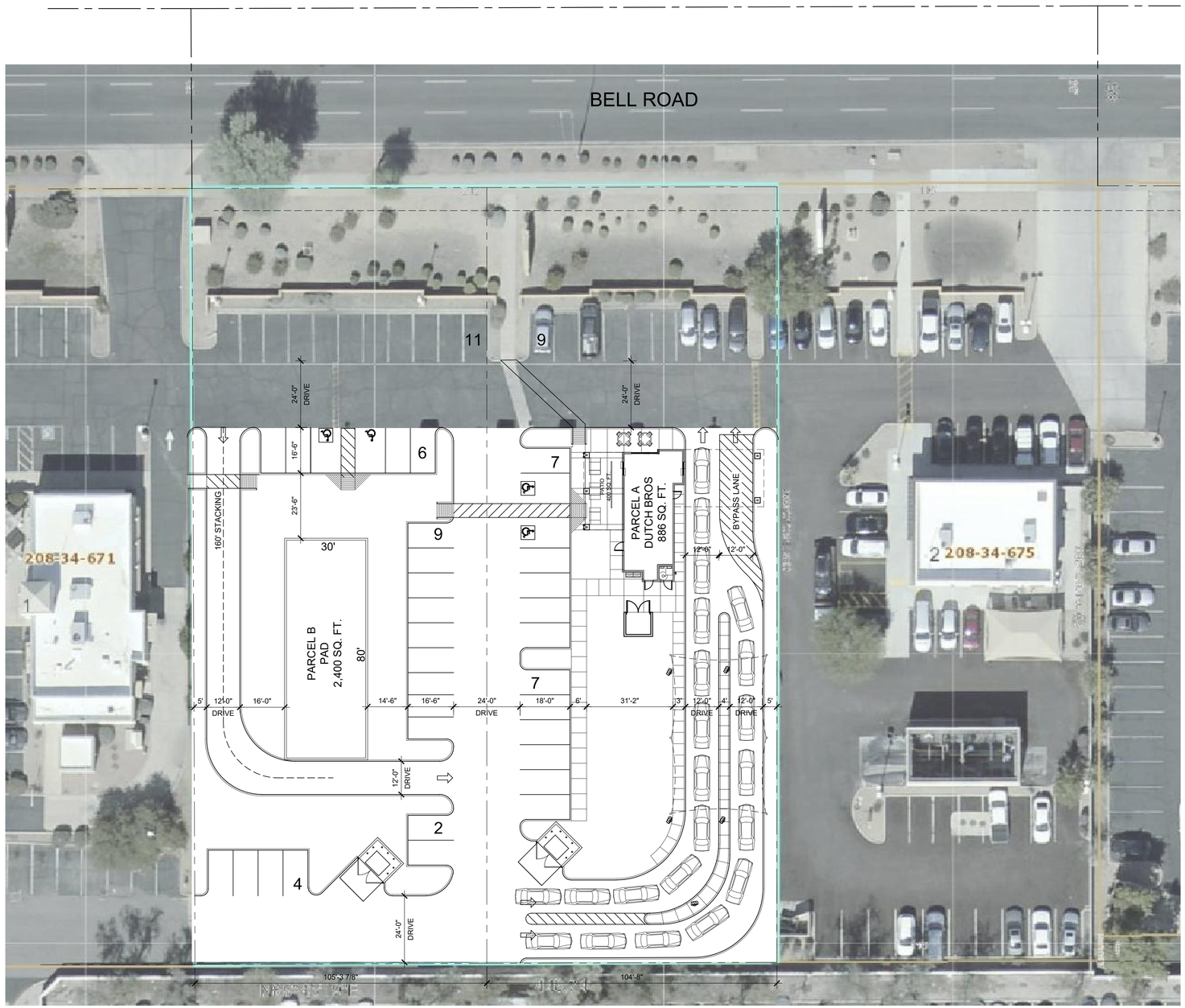
129-95

CITY OF PHOENIX PLANNING DEPARTMENT

DEER VALLEY VILLAGE

CITY COUNCIL DISTRICT 3

APPLICANT'S NAME: BYRON ARNOLD, JR.			REQUESTED CHANGE
APPLICATION NO. 129-95-3	HEARING DATES: Z.H.O. 11-6-95	P.C. 11-10-96, 12-13-95	C.C.
			FROM: S-1
			TO: C-2
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 10.0 ACRES	AERIAL, PHOTO & QUARTER SEC. NO. 36-27	ZONING MAP M-8	
MULTIPLES PERMITTED	UNITS STANDARD OPTION	* UNITS P.R.D. OPTION	



SITE DATA

APN:	208-34-674
EXISTING ZONING:	C-2

PARCEL A:

SITE AREA:	29,318 S.F. (.67 AC)
BUILDING AREA:	886 S.F.
PATIO AREA:	400 S.F.
TOTAL AREA:	1,286 S.F.
CONSTRUCTION TYPE:	V-B
LOT COVERAGE:	1,280 / 29,318 X 100 = 4.37%

REQUIRED PARKING:

BUILDING	(1/50)	0 SPACES
PATIO	(1/50)	8 SPACES
TOTAL		8 SPACES

TOTAL PARKING PROVIDED: 23 SPACES

** DRIVE THRU QUEUING LANES CAN FIT UP TO 22 CARS.

PARCEL B:

SITE AREA:	29,645 S.F. (.68 AC)
BUILDING AREA:	2,400 S.F.
CONSTRUCTION TYPE:	V-B
LOT COVERAGE:	2,400 / 29,645 X 100 = 8.10%

PARKING:

REQUIRED (65% = 1,560/50)	32 SPACES
PROVIDED:	32 SPACES

CITY OF PHOENIX
JAN 29 2021
Planning & Development Department

0' 5' 10' 20' 30'

NORTH

PHNX DESIGN
3707 EAST SOUTHERN AVE, SUITE 1090
MESA, ARIZONA 85205
602.762.7354

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PROPOSED SITE PLAN

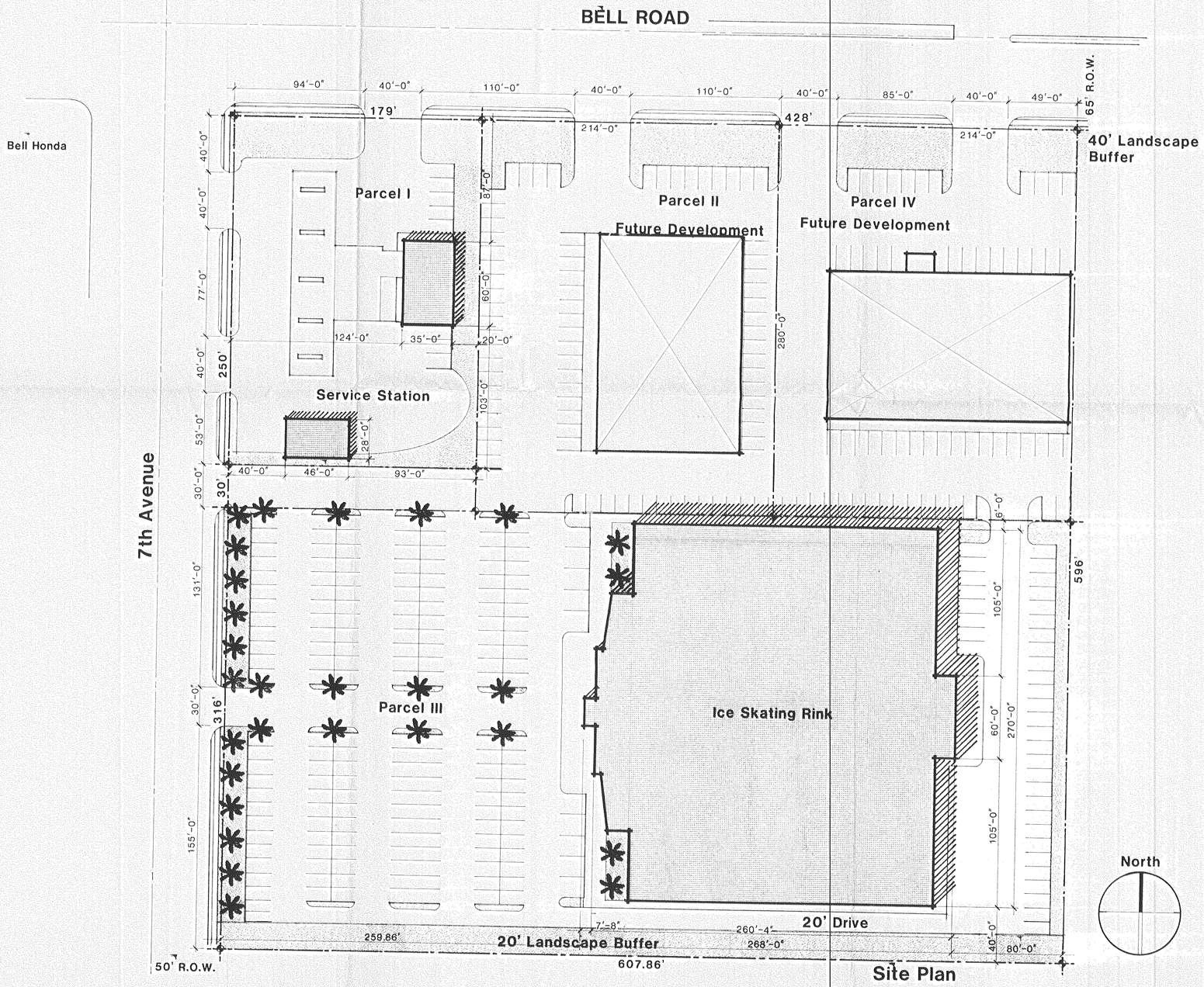
601 WEST BELL ROAD
PHOENIX, ARIZONA 85023

△	DATE	REVISION
1		
2		
3		

PROPOSED SITE PLAN

A100

1	PROPOSED SITE PLAN	SCALE: 1" = 20'-0"	DATE: 10.14.2020



Vicinity Map

Lots / Buildings / Uses
Existing Zoning S-1, Proposed C-2

Parcel I - Service Station
-Gross Lot Size: 44,750 s.f.
-Gross Building Area: 3,570 s.f.
-F.A.R. 0.080 (8%)

Parking - Required : 8
- Provided: 18

Single Story - 10'-0" H.

Parcel II - Future Development
-Gross Lot Size: 59,920 s.f.
-Gross Building Area: 15,000 s.f.
-F.A.R. : 0.25 (25%)

Parking - Required: 70
- Provided: 78

Single Story

Parcel III- Ice Skating Rink
-Gross Lot Size: 192,084 s.f.
-Gross Building Size: 68,150 s.f.

Parking - Required: 120 (#seats (600)/5)
- Provided: 204

Single Story - 18'-0" s.f. (25' setback required)

Parcel IV - Future Development
-Gross Lot Size: 59,920 s.f.
-Gross Building Size: 17,000 s.f.
-F.A.R.: .284 (28.4%)

Parking - Required: 60
-Provided: 60

Single Story

North

GRIFFITH DEVELOPMENT

September 18 1995

Scale: 1" 40'

129-95

ARCHITECTURAL ALLIANCE INC

February 21, 1996

ZONING CASES SCHEDULED FOR PUBLIC HEARING

ITEM 7

DISTRICT 3 -
APPLICANT: BYRON ARNOLD, JR.
REPRESENTATIVE: PAUL E. GILBERT OF BEUS, GILBERT & MORRILL

Application 129-95-3 - Appealed by Opposition - Request to rezone approximately 10.0 acres located at the southeast corner of 7th Avenue and Bell Road from S-1 to C-2.

The Planning Commission recommended, 5-0 vote, that this application be approved subject to stipulations.

This application required three-fourths vote by City Council to effect approval.

Stipulations

1. That development be in general conformance to the site plan dated September 18, 1995, as amended by the stipulations below.

2. That an average 40-foot landscaped setback be provided along Bell Road. No more than 50 percent of this landscape setback shall be used for retention purposes.

3. That an average 20-foot landscaped setback be provided along 7th Avenue. Landscaping within this setback shall include mature shade trees, planted 20 feet on-center or in equivalent groupings as approved by the Development Services Department. The landscape setback shall also include berming and/or decorative walls to screen the parking areas as approved by the Development Services Department. No more than 50 percent of this landscaped setback may be used for retention purposes.

4. That the portion of landscaping or usable hard space that surrounds each commercial pad area be approximately 35 percent of the building square footage. That approximately one-third (1/3) of the site improvements surrounding the building should be landscaped. If no parking is provided in front of the pad, all landscaping behind the public sidewalk on the pad site may be utilized in meeting this stipulation.

5. That sidewalks within required setback areas be set back a minimum of eight (8) feet from the curb on Bell Road and 7th Avenue to create a landscaped buffer between pedestrians and adjacent automobile traffic, as approved by Development Services Department.

6. That site access be limited to a maximum of three (3) driveways each to 7th Avenue and Bell Road. Shared access shall be provided with the adjoining land to the east, if developed with commercial zoning.

7. That three pads be allowed, but designed to minimize the effect of a strip mall, including maximizing view corridor and integrating landscaping.

8. That the applicant shall agree to record covenants, conditions and restriction (CC & R's) on the property ensuring the continued maintenance of the property and that trash or graffiti that appear within the boundaries of the development be removed within forty-eight (48) hours after discovery in order to discourage future defacement and destruction of the property.

9. That, within 120 days of approval by the City Council of the requested C-2 zoning, that applicant shall file a variance request with the Zoning Administrator seeking approval of an eight-foot-high wall to be constructed on the south property line between the subject property and the D.R. Horton residential development located to the south. Should the request for an over-height wall be approved, the perimeter wall shall be shown on the site plan for the ice rink to be submitted to the Site Plan Division of the Development Services Department.

10. That the south perimeter wall shall be constructed prior to or concurrent with development located adjacent to the south property line. Said wall shall be fully grouted (for noise attenuation) and shall include a design, materials, and paint consistent with the existing D.R. Horton perimeter wall. The maintenance and repair of the proposed wall shall be the responsibility of the commercial property owner adjacent to the wall.

11. That all freestanding security lighting shall be of recessed cut-off design and shall conform to the lighting standards of the City of Phoenix.

12. That an average twenty-five (25) foot landscape buffer be provided along the south property line. Said landscape buffer shall be planted with a double row of drought-resistant shade trees spaced twenty (20) feet on center in a staggered alignment and shrubbery as approved by the Site Plan Division of the Development Services Department of the City of Phoenix. The commercial property owner adjacent to the proposed landscape strip shall maintain the landscaping and replace any dead trees or shrubs in a timely manner, not to exceed four (4) weeks after removal.

13. That the ice rink roof shall not be illuminated.

14. That the main driveway aisles on the ice rink site shall incorporate speed bumps.

15. That any freestanding sign for the ice rink be limited to ten (10) feet in height maximum.

16. That the applicant and the City of Phoenix Site Plan Division shall notify Ken Groom (415 W. Aire Libre, Phoenix, AZ 85023) and Jeff Marek (604 W. Kelton, Phoenix, AZ 85023) for future meetings with the City of Phoenix Development Services Site Plan Review Division regarding the subject site.

Mr. Richert said the Planning Commission unanimously supported this application for a skating rink believing it would provide a use that had not been available in the area. This would fill out the commercialization of Bell Road in this particular area.

Mr. Paul Gilbert, 3200 North Central, said this application was consistent with a recent general plan amendment and the Village Planning Committee, staff and the Planning Commission had all recommended approval. Seven neighbors had been opposed but after meeting with them, four were now in support. A service station, two restaurants and an ice skating rink were being proposed. A developer had committed to build the ice skating rink but financing could not be obtained until they had the necessary zoning. There was an immense amount of support for the skating rink and the setback had been increased adjacent to the neighbors.

Ms. Lillian Pyne, 526 West Kelton Lane, was opposed to the construction of an ice skating rink within 40 feet of her property. She was a resident of Moonlight Glen and they were not informed about this proposal until October. In her opinion, the rink could increase crime in the area. The rink would be open late at night and people would make a lot of noise getting into their cars. There was a parcel of land at 19th Avenue and Bell Road that would be an ideal spot for a proposal such as this since it did not have single family homes adjacent.

In response to Mayor Rimsza, Ms. Pyne said she realized the subject property was zoned commercial, but she figured it would be an establishment with a decent closing hour. She did not expect the kind of activity that was being proposed.

Mr. Ralph Breninger, 4515 North 29th Avenue, spoke in favor of the skating rink. His grandson played hockey and more rinks were needed as there was a great deal of interest in hockey games.

Ms. Donna Rothfeder, 13821 North Coral Gables, said her ten year old granddaughter and her friend worked very hard to help her obtain signatures in support of the proposed ice skating rink on the southeast corner of 7th Avenue and Bell Road.

Miss Kathy O'Dooley, said there were many children, like herself, that wished to have an ice skating rink built in the area. It was too far to go all the way out to Tower Plaza to

skate. Adults decided to help the young people get their skating rink and started a petition drive. Her grandmother had submitted a petition with 464 signatures in support. Since that time more signatures had been obtained and they now had 542 additional signatures supporting the rink.

Ms. Rothfelder expressed her appreciation to all the people who supported them in their effort. Ms. Bilsten commended Kathy O'Dooley and her friend Lauren Johnson for their efforts. It was very important to learn at a very early age about the importance of being involved.

Mr. Kenneth Groom, 415 West Aire Libre, said he was originally opposed to this application. He had met with representatives from Mr. Gilbert's office regarding the impact of having a skating rink in the neighborhood. He worked with the neighborhood and discussed the stipulations that would be part of the zoning application and the majority of people on Kelton Lane were now in support.

In rebuttal, Mr. Gilbert said there was overwhelming neighborhood support. He believed they had solved most of the neighborhood concerns. The ice skating rink would be an excellent buffer use as it was a very low intensity operation. The majority of the time would be taken up with hockey and figure skating. There would be some public skating available but that would be limited basically to Friday and Saturday evenings and Saturday and Sunday afternoons. The hockey games could go to midnight but it would be private hockey club games and the public would not be invited.

Mrs. Bilsten said she would be in support of the request but wished to add a stipulation that stated the ice rink would be built within 24 months of City Council approval. She asked Mr. Gilbert to meet again with the residents to see if he could help them feel more comfortable with the buffer. She believed this would be a beautiful facility and Districts 1, 2 and 3 were in desperate need of activites for their young people. She hoped the skating rink would work with the schools, Parks and Recreation Department and with the summer programs. Mr. Gilbert said he had discussed this with the company that would be building the rink and they were receptive to doing that.

Mrs. Bilsten **MOVED** that Item 7 be granted with the following stipulations:

1. That development be in general conformance to the site plan dated September 18, 1995, as amended by the stipulations below.

2. That an average 40-foot landscaped setback be provided along Bell Road. No more than 50 percent of this landscape setback shall be used for retention purposes.

3. That an average 20-foot landscaped setback be provided along 7th Avenue. Landscaping within this setback shall include mature shade trees, planted 20 feet on-center or in equivalent groupings as approved by the Development Services Department. The landscape setback shall also include berming and/or decorative walls to screen the parking areas as approved by the Development Services Department. No more than 50 percent of this landscaped setback may be used for retention purposes.

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10. That the south perimeter wall shall be constructed prior to or concurrent with development located adjacent to the south property line. Said wall shall be fully grouted (for noise attenuation) and shall include a design, materials, and paint

consistent with the existing D.R. Horton perimeter wall. The maintenance and repair of the proposed wall shall be the responsibility of the commercial property owner adjacent to the wall.

11. That all freestanding security lighting shall be of recessed cut-off design and shall conform to the lighting standards of the City of Phoenix.

12. That an average twenty-five (25) foot landscape buffer be provided along the south property line. Said landscape buffer shall be planted with a double row of drought-resistant shade trees spaced twenty (20) feet on center in a staggered alignment and shrubbery as approved by the Site Plan Division of the Development Services Department of the City of Phoenix. The commercial property owner adjacent to the proposed landscape strip shall maintain the landscaping and replace any dead trees or shrubs in a timely manner, not to exceed four (4) weeks after removal.

13. That the ice rink roof shall not be illuminated.

14. That the main driveway aisles on the ice rink site shall incorporate speed bumps.

15. That any freestanding sign for the ice rink be limited to ten (10) feet in height maximum.

16. That the applicant and the City of Phoenix Site Plan Division shall notify Ken Groom (415 W. Aire Libre, Phoenix, AZ 85023) and Jeff Marek (604 W. Kelton, Phoenix, AZ 85023) for future meetings with the City of Phoenix Development Services Site Plan Review Division regarding the subject site.

17. That construction of the ice rink shall commence within 24 months of City Council approval in accordance with Section 506.B.

Mr. Lingner **SECONDED** the motion. **MOTION CARRIED UNANIMOUSLY.**

Items 12 and 13 were heard together.

ORDINANCE

ITEM 12 CITYWIDE - AMENDING CITY CODE

Ordinance G-3904 amending Chapter 29 of the City Code entitled, "Development Fee Ordinance," by amending Sections 29-4, 29-5 and 29-6 to exclude public schools from the

January 10, 1996

Application No. 129-95-3 (Appealed from 1/6/95 ZHO)
Owner: Byron Arnold, Jr.
Representative: Paul E. Gilbert of Beus, Gilbert & Morrill
Subject: Request to rezone approximately 10.0 acres for a parcel located at the southeast corner of 7th Avenue and Bell Road from S-1 to C-2 (Proposed Use: Commercial Shopping Center)

Mr. Steele explained the request proposes a specialty commercial facility accommodating a 68,000 square foot ice skating rink, 32,000 square feet of commercial retail uses, and a gas station. The Zoning Hearing Officer's recommendation for approval subject to stipulations was appealed to the Planning Commission. The subject site was designated for commercial use under a 1993 General Plan Amendment. Staff's primary concern relates to design, number of pad sites, on site circulation, excessive number of driveway cuts on 7th Avenue and Bell Road, and conformance to the Bell Road design standards. This request has the support of the Deer Valley Village Planning Committee, and staff recommends approval, subject to the stipulations listed.

Mr. Paul Gilbert, 3200 North Central Avenue, spoke on behalf of the request, explaining that this request was a portion of a large General Plan Amendment that had been approved in 1993. They are here with the support of staff, the village committee, and the Zoning Hearing Officer. This proposed ice skating rink will serve as a buffer for the homes to the south and from the intensive commercial along Bell Road. The northeast valley needs more recreational facilities and many of the neighbors support this request.

Mr. Gilbert outlined a list of stipulations that had been worked out with the neighbors. He noted they have concern with staff stipulations and ask that stipulation nos. 4, 6 and 9 be deleted. Stipulations. no. 4 limits ground signs to 10 feet, but he believes conformance with the Sign Ordinance would be appropriate. Stipulation no. 6 would require that the pad sites abut the 40 foot landscape buffer along Bell Road. However, he does not believe this is necessary, as the 40 foot of landscaping would screen the driveways and parking areas. Stipulation no. 9 would limit the center to two pads. With the ice skating rink taking up such a large portion of that site, three pads are really needed. He asked for support of this proposal with the suggested deletions and modifications to the stipulations.

The following people spoke in support:

Mr. Jeff Marek, 604 West Kelton
Ms. Donna Rothfeder, 13821 North Coral Gables

Mr. Marek lives adjacent to the proposal. He represents 14 homes, about 80 percent of the homes in the Moonlight Glen area that will abut the proposal. He referenced additional stipulations worked out with the applicant that address lighting, noise, landscaping, crime and traffic. They believe these stipulations will help minimize the impact of the proposal.

Ms. Rothfeder referenced petitions signed by 464 residents in support of a skating rink at this location. She emphasized that they solicited the petitions for the C-2 zoning solely on a desire to have an ice skating rink constructed in this part of town for their young people.

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The following people spoke in opposition:

Ms. Lillian Pyne, 526 West Kelton Lane
Mr. Daniel Ryan, 515 West Kelton Lane

Ms. Pyne noted her property abuts this proposal. She feels a fast food restaurant and an ice skating rink is an open invitation for crime to occur. She called attention to the numerous fast food restaurants in the area from 19th Avenue to 7th Street. She suggested that the proposal be moved to a vacant industrial parcel at 19th Avenue, just south of Bell Road which is removed from residential and has better bus routes. She referenced a petition in opposition signed by 49 residents who live on the north side of Kelton Lane.

Mr. Ryan related he is not opposed to an ice skating rink, but he is very concerned about the noise that may be generated by the rink's cooling compressors. And another factor to consider is the hours of operation. Usually hockey games are played late at night, and figure skating is usually scheduled early in the morning. Therefore, he wonders if they plan to operate this facility round the clock. He asked if traffic turn lanes had been addressed. Lastly, he does not understand why they are proposing a 40 foot landscape buffer along Bell Road and not a buffer for the residential area in the back.

Mr. Gilbert stated, in rebuttal, that all the residents bought their homes with the knowledge that this adjacent site would have commercial uses. A petitions was referenced with 49 signatures in opposition to this case. However, they have met with the petition signers and many of those people are now supportive. Concern has been raised about noise. The ice compressors are inside, and do not generate a lot of noise. Anyone can go to the Tower Plaza rink and note there is no noise. This facility will be the same. A concern has been raised bout landscaping. They are putting in twice the amount of landscaping that is required per ordinance. In addition, they plan to seek a variance to install an eight foot wall along the border. They have worked very hard with the neighbors and spent many hours addressing stipulations. There has been a lot of progress made since the ZHO hearing. For these reasons, they hope the Commission recommends approval of this application.

Ms. Savage inquired about the proposed hours of operations.

Mr. Gilbert said they do not have any proposed hours of operation. However, a 24 hour grocery store would have much more impact from a noise point of view that an ice skating rink which would virtually have no impact.

Mr. Bielecki questioned why there was a 40 foot landscape setback along Bell Road.

Mr. Steele responded a 40 foot setback was part of the design standards set for the Bell Road frontage.

Ms. Savage asked staff to address the stipulations opposed by Mr. Gilbert.

Mr. Steele said the 10 foot design standard was adopted some years ago and is more restrictive than the current ordinance which would base the height on design review and location along a major street. The

reason for pushing the pad sites towards the front is to provide more of a visual transition from the large parking lots. And the stipulation limiting the pads to two was not to suggest less square footage, but to combine two of the pads so they worked as one pad to prevent the look of a strip development.

Ms. Savage voiced her support for the request. She felt that an ice skating rink would be an amenity to the area. Considering the other commercial activities that could occur on the site, this is a low intensity use. The applicant has made numerous accommodations and a lot of consensus has been reached between a number of the neighbors and the applicant. However, the neighbors should be aware that their list of stipulations are in large part not enforceable by the city.

Ms. Savage separated the deletion of stipulation nos. 4 and 6, and felt some alternative language could be submitted for stipulation no. 9.

A discussion followed regarding stipulation no. 9. Mr. Bielecki suggested that Development Services be directed to consider a design relating to coordination of the site plan to maximize the appearance of two unified pads, rather than the two pads versus the three pads. Mr. Steele suggested that two freestanding pads be permitted with the third site being incorporated into a semi-detached pad adjacent to the ice rink. Mr. Gilbert suggested that stipulation no. 9 should read: that three pads be allowed, but designed to minimize the effect of a strip mall, including maximizing view corridors and integrating landscaping. There was a consensus to accept Mr. Gilbert's suggested change.

Ms. Savage made the MOTION that application No. 129-95-3 be forwarded to the City Council with a recommendation of approval, subject to staff's stipulations, with the deletion of stipulation nos. 4 and 6. Stipulation no. 9 as renumbered, to read: that the three pads be allowed, but designed to minimize the effect of a strip mall, including maximizing view corridors and integrating landscaping, and subject to the additional stipulations agreed to by the applicant and the neighbors.

Mr. Berry SECONDED the motion.

There being no further discussion, Mr. Bielecki called for a vote and the MOTION PASSED five to zero.

* * * *

STIPULATIONS

1. That development be in general conformance to the site plan dated September 18, 1995, as amended by the stipulations below.

2. That an average 40-foot landscaped setback be provided along Bell Road. No more than 50 percent of this landscaped setback shall be used for retention purposes.

3. That an average 20 foot landscaped setback be provided along 7th Avenue. Landscaping within this setback shall include mature shade trees, planted 20 feet on-center or in equivalent groupings

as approved by the Development Services Department. The landscaped setback shall also include berming and/or decorative walls to screen the parking areas as approved by the Development Services Department. No more than 50 percent of this landscaped setback may be used for retention purposes.

4. That the portion of landscaping or usable hard space that surrounds each commercial pad area be approximately 35 percent of the building square footage. That approximately one-third (1/3) of the site improvements surrounding the building should be landscaped. If no parking is provided in front of the pad, all landscaping behind the public sidewalk on the pad site may be utilized in meeting this stipulation.

5. That sidewalks within required setback areas be set back a minimum of eight (8) feet from the curb on bell Road and 7th Avenue to create a landscaped buffer between pedestrians and adjacent automobile traffic, as approved by the Development Services Department.

6. That site access be limited to a maximum of three (3) driveways each to 7th Avenue and Bell Road. Shared access shall be provided with the adjoining land to the east, if developed with commercial zoning.

7. That three pads be allowed, but designed to minimize the effect of a strip mall, including maximizing view corridor and integrating landscaping.

8. That the applicant shall agree to record covenants, conditions and restrictions (CC & Rs) on the property ensuring the continued maintenance of the property and that trash or graffiti that appear within the boundaries of the development be removed within forty-eight (48) hours after discovery in order to discourage future defacement and destruction of the property.

9. That, within 120 days of approval by the City Council of the requested C-2 zoning, the applicant shall file a variance request with the Zoning Administrator seeking approval of an eight (8) foot high wall to be constructed on the south property line between the subject property and the D.R. Horton residential development located to the south. Should the request for an over-height wall be approved, the perimeter wall shall be shown on the site plan for the ice rink to be submitted to the Site Plan Division of the Development Services Department.

10. That the south perimeter wall shall be constructed prior to or concurrent with development located adjacent to the south property line. Said wall shall be fully grouted (for noise attenuation) and shall include a design, materials, and paint consistent with the existing D.R. Horton perimeter wall. The maintenance and repair of the proposed wall shall be the responsibility of the commercial property owner adjacent to the wall.

11. That all freestanding security lighting shall be of recessed cut-off design and shall conform to the lighting standards of the City of Phoenix.

12. That an average twenty-five (25) foot landscaped buffer be provided along the south property

line. Said landscape buffer shall be planted with a double row of drought-resistant shade trees spaced twenty (20) feet on center in a staggered alignment and shrubbery as approved by the Site Plan Division of the Development Services Department of the City of Phoenix. The commercial property owner adjacent to the proposed landscape strip shall maintain the landscaping and replace any dead trees or shrubs in a timely manner, not to exceed four (4) weeks after removal.

13. That the ice rink roof shall not be illuminated.

14. That the main driveway aisles on the ice rink site shall incorporate speed bumps.

15. That any freestanding signs of the ice rink be limited to ten (10) feet in height maximum.

16. That the applicant and the City of Phoenix Site Plan Division shall notify Ken Groom (415 W. Aire Libre, Phoenix AZ 85023) and Jeff Marek (604 W. Kelton, Phoenix, AZ 85023) for future meetings with the City of Phoenix Development Services Site Plan Review Division regarding the subject site.

* * * *

00569013

SUMMARY OF ZONING HEARING OFFICER
November 6, 1995

ITEM NO: 5

DISTRICT NO: 3

SUBJECT

Application: 129-95-3

Location: Southeast corner of 7th Avenue and Bell Road (approximately 10.0 acres)

Request: Rezone from S-1 to C-2

ACTIONS

Zoning Hearing Officer Recommendation: It is recommended this request be approved, subject to stipulations.

Staff Recommendation: It is recommended this request be approved, subject to stipulations.

Z. H. O. HEARING HIGHLIGHTS

Staff - Mr. Muenker stated this request is consistent with the commercial designation approved for the site several years ago, and will allow for a specialized commercial activity. Approval is recommended subject to stipulations that address compliance with the Bell Road design standards, the location and landscaping of pad sites, and a limit on the number of driveways.

Applicant - Mr. Paul Gilbert, representing the property owner, stated that the commercial request is consistent with the prior General Plan amendment approval for this site, and is supported by the village planning committee and staff. He reviewed the proposed site plan noting building/pad locations, setbacks, provided landscaping/screening, parking areas, signage, building heights and driveway locations. He stated that the major user for the site would be an ice skating rink. He noted that this is a low-intensity use, with the primary use of the facility for hockey games and figure skating. He reviewed hours of operation, noting it would be open to the public on a limited basis. That the proposed building setback (50 feet) and landscaping/screening provides a good buffer to the new residential homes to the south. He noted agreement with the staff recommendation and reviewed the stipulations, noting modifications to the following stipulations:

No. 3: Requested a 20-foot landscaped setback along 7th Avenue.

No. 4: Deletion

No. 5: Clarification that this only applies to the pads along Bell Road and not the ice skating rink.

He also reviewed proposed stipulations from the adjacent neighborhood.

Neighborhood Opposition/Concern - Mr. Chet Ornas, 16816 N. 1st Avenue, Sp. 35, Phoenix, 85023, Phone 375-9358, representing the nearby mobile home development, stated that their development is opposed to this request since the proposed use would increase noise, traffic, and crime into the residential area. He was concerned about the safety of the senior residents and noted that this use was not compatible to the adjacent residential areas.

Philip Cipolla, 616 W. Kelton, Phoenix, 85023. Phone 942-5111, stated that this use was not compatible with the adjacent new residential area. That 7th Avenue is still a residential street and that this facility should access only Bell Road. He was concerned about noise and increased late night traffic.

Nadya Laliberte, 714 W. Wagoner Road, Phoenix, 85023, Phone 863-4120, stated that she was not opposed to this commercial use since it would provide an alternative recreational activity for children and adults in this area of Phoenix. She noted that this use may be too intensive for this particular site.

The following neighbors noted opposition and concern about compatibility issues pertaining to increased late evening noise, traffic, lighting and intensity of skating rink activities:

- Lillian F. Pyne, 526 W. Kelton Lane
  Phoenix, AZ 85023 Ph. 863-4275
- Ken Grimes, 2300 N. 17th Avenue (Work Address)
  Ph. 262-6870
- Kenneth Groom, 415 W. Aire Libre Avenue
  Phoenix, AZ 85023, Ph. 866-1636
- Susan Maret, 604 W. Kelton Lane
  Phoenix, AZ 85023, Ph. 548-3199

Mr. Steve Bauer, representing the applicant, reviewed hockey activities in the Phoenix metro area and general hours of operation.

ZHO - Ms. Cynthia Standage-Beier responded to the neighbors' concerns and reviewed the proposed development and hours of operation with the applicant. She questioned the applicant about the building height, which is intended to be 18 feet at the south property line and slope to 30 feet at the center of the building, and reviewed provided buffering along the south property line. She noted that the requested commercial zoning is consistent with the General Plan amendment approved by City Council. That staff is supportive of commercial uses along Bell Road and this is a specialized commercial activity. She reviewed the proposed modification of stipulations with the applicant and staff. She indicated that the stipulated additional buffering affords compatibility to the residential areas. That the proposed development and associated stipulations incorporate the recommendations developed for the Bell Road special study area. She noted agreement with the staff findings and recommendation and the modification and addition of stipulations.

FINDINGS

1. The requested zoning is consistent with the General Plan.
2. The proposed ice skating rink is a specialized commercial use.

3. The demand for commercial space is improving in this area.

4. That the proposed development should incorporate the recommendations developed for the 7th Street and Bell Road Special Study Area.

5. Free-standing commercial pad islands should contain elements of landscaping and usable hardscape which lend "presence" to and relate to the surrounding building pad.

6. Utilizing shared access drives for pads in commercial centers minimizes the number of curb cuts which reduces the potential for vehicular and pedestrian conflict.

7. The subject site should be developed within the context of surrounding existing development as well as future land uses immediately adjacent to the property.

RECOMMENDATION

It is recommended this request be approved, subject to stipulations.

STIPULATIONS

1. That development be in general conformance to the site plan dated September 18, 1995, as amended by the stipulations below.

2. That an average 40-foot landscaped setback be provided along Bell Road. No more than 50 percent of this landscape setback shall be used for retention purposes.

3. That an average 20-foot landscaped setback be provided along 7th Avenue. Landscaping within this setback shall include mature shade trees, planted 20 feet on-center or in equivalent groupings as approved by the Development Services Department. The landscape setback shall also include berming and/or decorative walls to screen the parking areas as approved by the Development Services Department. No more than 50 percent of this landscaped setback may be used for retention purposes.

4. That ground signs be limited to a maximum height of 10 feet.

5. That the portion of landscaping or usable hardspace that surrounds each commercial pad area be approximately 35 percent of the building square footage. That approximately one-third (1/3) of the site improvements surrounding the building should be landscaped. If no parking is provided in front of the pad, all landscaping behind the public sidewalk on the pad site may be utilized in meeting this stipulation.

6. That free-standing commercial pads abut the required 40-foot average landscaped setback along Bell Road, except for pads with drive-thrus, as approved by Development Services Department.

7. That sidewalks within required setback areas be set back a minimum of eight (8) feet from the curb on Bell Road and 7th Avenue to create a landscaped buffer between pedestrians and adjacent automobile traffic, as approved by Development Services Department.

8. That site access be limited to a maximum of three (3) driveways each to 7th Avenue and Bell Road.

9. That a 20-foot landscape setback be provided along the south property line and shall include heavy landscaping, as approved by the Development Services Department.

Gillian Stanley 11-9-95
Zoning Hearing Officer Date

The Zoning Hearing Officer attests to the finding of facts, recommendation, and any stipulations resulting from the Zoning Hearing Officer hearing.

FM Listening Systems or Qualified Sign Language Interpreters are available with 72 hours notice. Materials in alternate formats (large print, braille, audio cassette or computer diskette) are available upon request. For further information call the Planning Department, Theresa Damiani, at Voice number 262-6368 or Fax number 495-3793 or City TDD Relay/ 534-5500.

SAM/lfg/1299503