



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**Staff Report: Z-SP-4-16-6**  
June 24, 2016

**Camelback East Village Planning Committee Hearing Date** July 12, 2016  
**Planning Commission Hearing Date** August 4, 2016

**Request From:** C-2 HGT/DNS/WVR (4.23 acres)  
**Request To:** C-2 HGT/DNS/WVR SP (4.23 acres)  
**Proposed Use** Special Permit for a massage establishment and all underlying C-2 uses

**Location** Southwest corner of 44th Street and Indian School Road

**Owner** Las Cascadas Apartments, LLC  
**Applicant’s Representative** Rod Jarvis, Earl, Curley and Lagarde, PC  
**Staff Recommendation** Approval, subject to stipulations

General Plan Conformity			
<b>General Plan Land Use Designation</b>		Residential 15+ du / acre	
<b>Street Map Classification</b>	44th Street	Major Arterial	50-foot west half street
	Indian School Road	Major Arterial	40-foot south half street
<p><b><i>STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; ENTREPRENEURS AND EMERGING ENTERPRISES; LAND USE PRINCIPLE: Encourage land uses that promote the growth of entrepreneurs or new businesses in Phoenix in appropriate locations.</i></b></p> <p>The proposal facilitates the placement of a new business at the intersection of two major arterials.</p>			
<p><b><i>CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; DIVERSE NEIGHBORHOODS; LAND USE PRINCIPLE: COMMUNITIES SHOULD CONSIST OF A MIX OF LAND USES TO PROVIDE HOUSING, SHOPPING, DINING AND RECREATIONAL OPTIONS FOR RESIDENTS.</i></b></p> <p>The massage establishment will serve to increase the range of services available to nearby residents.</p>			

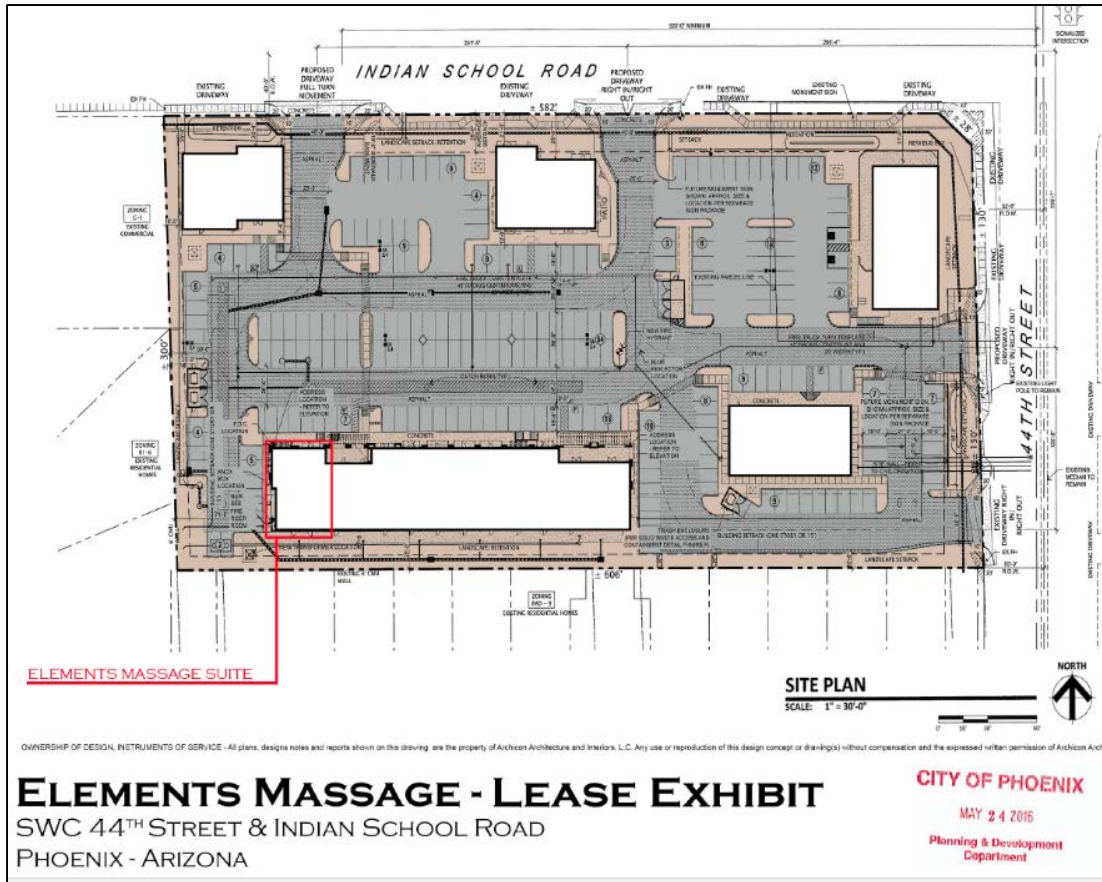
<b>Area Plan</b>
44th Street Corridor Specific Plan - Completed in 1991, the 44th Street Corridor Specific Plan established a framework to provide compatibility of new development along 44th Street from McDonald Drive to Sky Harbor International Airport. The Land Use Plan included within the Specific Plan designates the subject property for retail use. The proposed massage establishment, located within a larger retail center, conforms to this land use recommendation.

<b>Surrounding Land Uses/Zoning</b>		
	<u>Land Use</u>	<u>Zoning</u>
<b>On Site</b>	Retail ( <i>under construction</i> )	C-2 HGT/DNS/WVR
<b>North</b>	Retail	C-1 / C-2
<b>South</b>	Single-Family Residential	PAD-9
<b>East</b>	Retail	C-2
<b>West</b>	Retail / Single-Family Residential	C-1 / R1-6

**Background/Issues/Analysis**

1. This is a request to rezone a 4.23 acre parcel from C-2 HGT/DNS/WVR (Intermediate Commercial, Height Waiver, Density Waiver) to C-2 HGT/DNS/WVR SP (Intermediate Commercial, Height Waiver, Density Waiver, Special Permit) to allow for a massage establishment and all underlying C-2 uses.
2. The General Plan Land Use Map designation for the parcel is Residential 15+ dwelling units per acre. Although the proposal is not consistent with this designation, an amendment is not required as the subject parcel is less than 10 acres.
3. The subject property was rezoned in 2008 via Rezoning Case Z-4-08 to allow for a multifamily and commercial mixed-use development with height and density waivers. A subsequent stipulation modification was completed in 2014. The revised site plan and elevations approved through the stipulation modification depict a one-story retail center. This retail center, titled the Arcadia Gateway Commercial Center, is currently under construction.
4. The property is located at the intersection of two major arterials. Commercial and retail development exists on the other three corners of the intersection, serving the local community. The proposed massage establishment will offer an additional service to area residents.
5. The applicant intends to utilize two suites, totaling approximately 2,200 square feet, in the southwestern corner of the retail center for an Elements Massage establishment. To ensure the requested use does not expand undesirably throughout the center, staff is recommending a stipulation limiting the size of the

massage establishment(s) to 4,500 square feet. There are no proposed changes to the approved site plan or elevations with the Special Permit request.



6. The City of Phoenix requires licensing for the massage practitioner, the massage establishment and anyone with a 20% or more interest in the establishment.
7. The Aviation Department has reviewed the rezoning application and requests that the property owner record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of City of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. A stipulation has been added to address this request.
8. The Water Services Department has noted that there are no water or sewer infrastructure concerns with the proposed zoning.
9. The City of Phoenix Floodplain Management division of the Street Transportation Department has determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in a Shaded Zone X, on panel 2230 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013.

10. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonment may be required.

### **Findings**

1. The use will be appropriately located in a retail center with access from two major arterials.
2. The proposal is consistent with the surrounding commercial land uses.
3. The proposal will serve to increase the range of services accessible to area residents.

### **Stipulations**

1. No more than 4,500 square feet shall be used for massage establishments, as approved by the Planning and Development Department.
2. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

### **Writer**

Samantha Keating  
6/24/16

### **Team Leader**

Joshua Bednarek

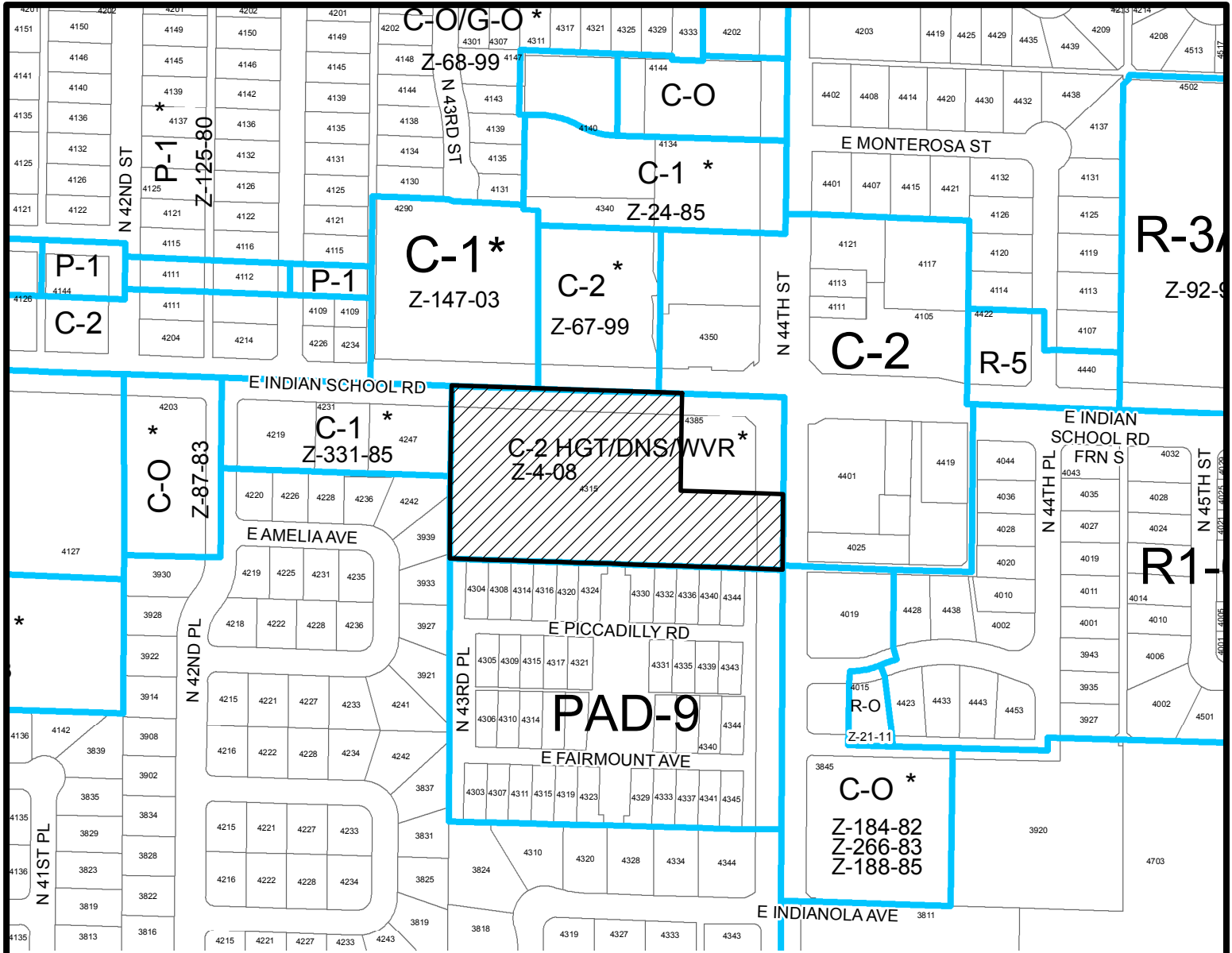
### **Attachments**

Sketch Map

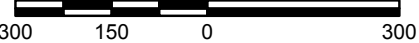
Aerial

Site Plan date stamped 5/24/16 (3 pages)

Elevations date stamped 5/24/16 (2 pages)



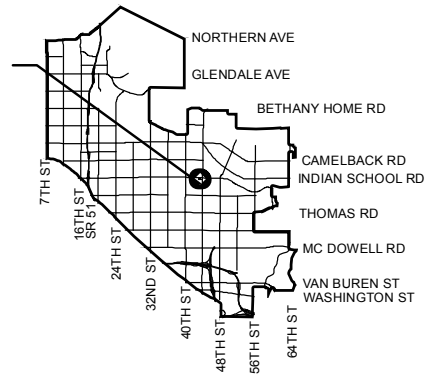
Feet



**CAMELBACK EAST VILLAGE**  
CITY COUNCIL DISTRICT: 6



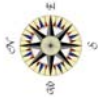
Z-SP-4-16



<b>APPLICANT'S NAME:</b> Greg Loper		<b>REQUESTED CHANGE:</b> FROM: C-2 HGT/DNS/WVR, (4.23 Acres)	
<b>APPLICATION NO.</b> Z-SP-4-16	<b>DATE:</b> 6/6/2016 <small>REVISION DATES:</small>	<b>TO:</b> C-2 HGT/DNS/WVR SP, (4.23 Acres)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> 4.23 Acres	<small>AERIAL PHOTO &amp; QUARTER SEC. NO.</small> QS 16-37	<small>ZONING MAP</small> H-10	
<b>MULTIPLES PERMITTED</b> C-2 HGT/DNS/WVR C-2 HGT/DNS/WVR SP	<b>CONVENTIONAL OPTION</b> 184 184	<b>* UNITS P.R.D. OPTION</b> 221 221	

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





# Planning and Development

The information provided on this map is based on record drawings submitted by others. Users of this information are cautioned that independent verification of actual conditions may be necessary.



**PROJECT DIRECTORY**

DEVELOPER:  
SAMUEL & COMPANY, INC.  
5141 N. 40TH STREET, SUITE 500  
PHOENIX, ARIZONA 85018  
CONTACT: BRICE SAMUEL  
PHONE: (602) 840-2990  
E-MAIL: brice@samuelandcompany.com

ARCHITECT:  
ROBERT KUBICEK ARCHITECTS & ASSOCIATES  
2233 EAST THOMAS ROAD  
PHOENIX, ARIZONA 85016  
CONTACT: EDGAR FELIX  
PHONE: (602) 955-3900  
FAX: (602) 955-0496  
E-MAIL: efelix@rkaa.com

**SITE DATA**

EXISTING ZONING: C-2 HGT/DNS/MWR Z-4-08  
GROSS SITE AREA: 5.11 ACRES (222,591.6 S.F.)  
NET SITE AREA: 4.15 ACRES (180,977.5 S.F.)

ZONING HISTORY: (Z-4-08, ZA-359-14)  
PROPOSED USE: RETAIL / RESTAURANTS  
BUILDING HEIGHT: 1 STORY, MAX 30'-0"

BUILDING AREA:  
PAD A: 13,954 S.F.  
PAD B: 4,300 S.F.  
PAD C: 4,600 S.F.  
PAD D: 3,800 S.F.

TOTAL BUILDING AREA: 30,454 S.F.  
SITE COVERAGE: 16.8 %

TOTAL PARKING REQUIRED: 225 SPACES

SHOPS A (13,954 S.F.)  
RESTAURANT (4,037 S.F.) @ 65% = 2,623 S.F./50 = 53 SPACES  
PATIO (794 S.F.) / 50 = 16 SPACES  
PAD A (4,300 S.F.)  
GENERAL RETAIL (4,300 S.F.) / 300 = 15 SPACES  
PAD B (4,600 S.F.)  
RESTAURANT (4,600 S.F.) P.S.A. = 2,361 S.F./50 = 48 SPACES  
PATIO = 957 S.F./50 = 20 SPACES  
PAD C (4,600 S.F.)  
GENERAL RETAIL (4,600 S.F.) / 300 = 15 SPACES  
PAD D (3,800 S.F.)  
GENERAL RETAIL (3,800 S.F.) / 300 = 13 SPACES  
PAD E (3,800 S.F.)  
GENERAL RETAIL (3,800 S.F.) / 300 = 13 SPACES

TOTAL PARKING PROVIDED:  
230 SPACES (7.6 / 1000)  
7 SPACES  
8 SPACES

**PROJECT DESCRIPTION**

WE ARE PROPOSING APPROXIMATELY A 14,000 SQUARE FOOT SHOP BUILDING AND APPROXIMATELY A 4,300 SQUARE FOOT PAD ON A VACANT PARCEL THAT PREVIOUSLY HAD APARTMENTS. TWO PADS AT 3,800 S.F. EACH ARE PROPOSED IN THE NORTHWEST AREA OF THE SITE AND ONE PAD AT 4,600 S.F. WILL REMAIN AS UNDEVELOPED FOR FUTURE UNDETERMINED DEVELOPMENT.

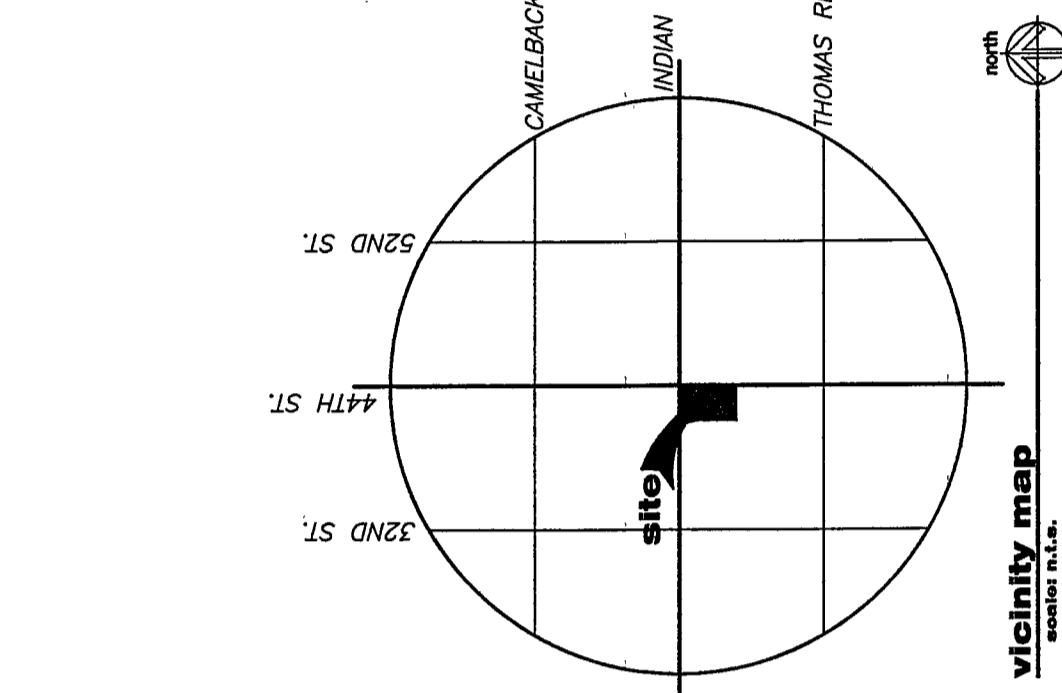
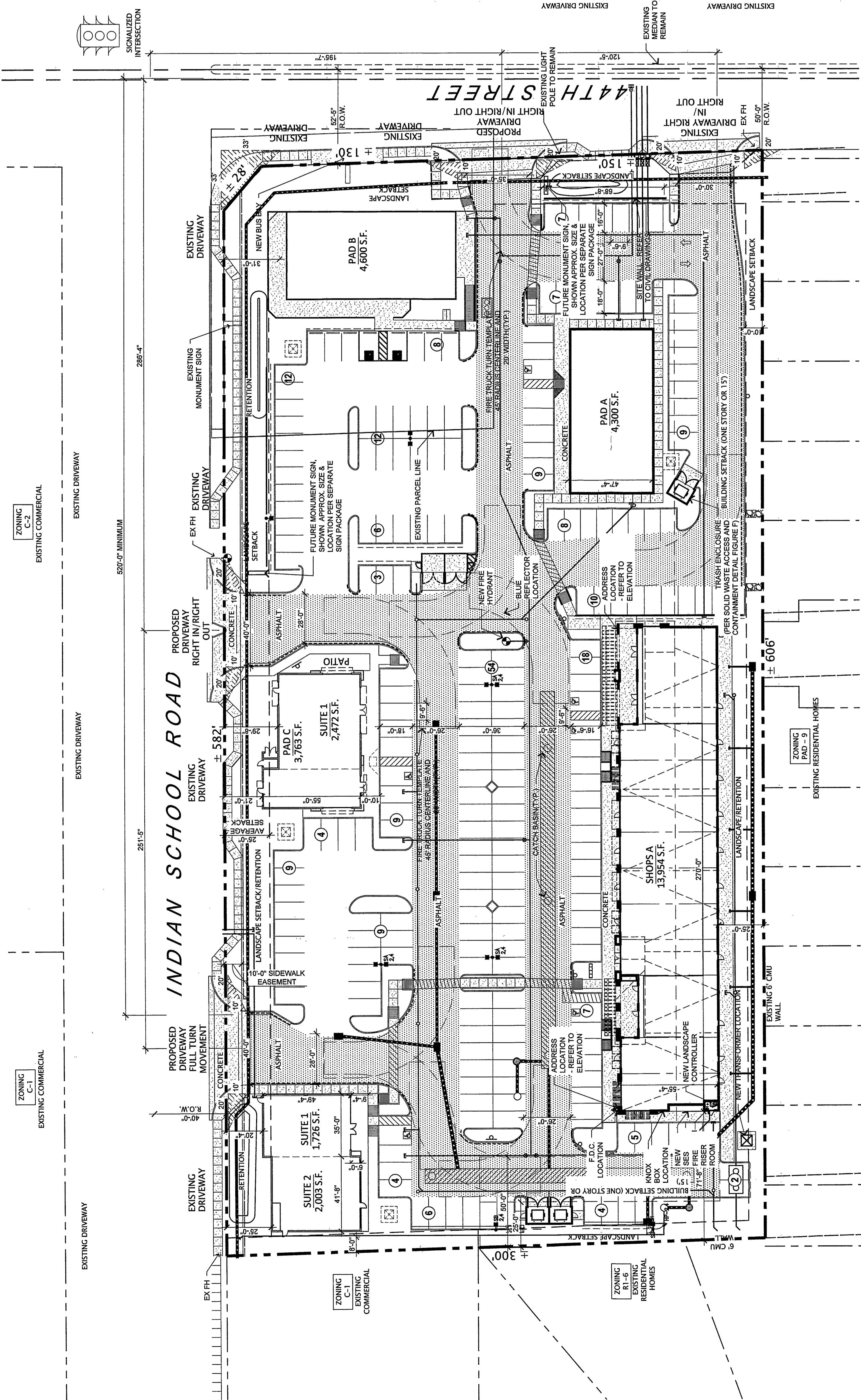
**LEGAL DESCRIPTION**

THE SOUTH 150 FEET OF THE NORTH 157 FEET OF THE WEST 150 FEET OF THE EAST 167 FEET OF TRACT 1, BLUKEN TRACT, ACCORDING TO BOOK 17 OF MAPS PAGE 43, RECORDS OF MARICOPA COUNTY, ARIZONA.

KIVA NUMBER: 14-1341

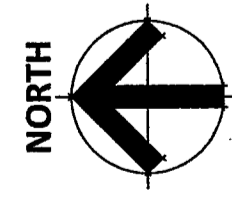
SITE PLAN AMENDMENT  
**APPROVED**  
City of Phoenix Planning & Development Department

Tracking Number: KUVA-14-1341-A2  
Team Leader (if Assigned): [Signature]  
Date: 3/31/16  
PAD C  
Sheet 1 of 2



**NOTES**

- DEVELOPMENT AND USE OF THIS SITE WILL CONFORM WITH ALL APPLICABLE CODES AND ORDINANCES.
- THIS PROJECT IS LOCATED IN THE CITY OF PHOENIX WATER SERVICES AREA AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.
- ALL NEW OR RELOCATED SIGNAGE SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF PHOENIX SIGNAGE ORDINANCES.
- ALL SIGNAGE SHALL BE MAINTAINED AT ALL TIMES AND SHALL BE REMOVED IMMEDIATELY UPON THE EXPIRATION OF THE PERMIT.
- SMOKE, GAS AND ODOR EMISSIONS SHALL COMPLY WITH REGULATION III OF THE MARICOPA COUNTY AIR POLLUTION CONTROL RULES AND REGULATIONS.
- THE DISPOSAL OF ALL WASTE MATERIALS SHALL COMPLY WITH TITLE 9, CHAPTER 9, ARTICLES 18 AND 4 OF THE HAZARDOUS WASTE REGULATIONS AS ADOPTED BY THE ARIZONA HEALTH DEPARTMENT.
- THE MAXIMUM NOISE LEVEL MEASURED AT THE PROPERTY LINE SHALL NOT EXCEED 55dBA (dn) WHEN MEASURED ON AN "A" WEIGHTED "SOUND LEVEL METER AND ACCORDING TO THE PROCEDURES OF THE ENVIRONMENTAL PROTECTION AGENCY.
- ALL NEW SANITARY SEWER LINES WITHIN THE SITE SHALL BE PRIVATE PLUMBING LINES SUBJECT TO THE PHOENIX PLUMBING CODE OR THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ) ACQUIFER PROTECTION PROGRAM (APP) GENERAL PERMIT 4.01 IN ACCORDANCE WITH MARICOPA COUNTY ADMINISTRATIVE CODE TITLE 28, CHAPTER 9, SECTION 6501 (MAC R18-9-501) WHICH EVER IS APPLICABLE.
- THE SANITARY SEWER COLLECTION SYSTEM WITHIN THIS PROJECT WILL BE A PRIVATE SYSTEM OWNED AND MAINTAINED BY THE PROPERTY OWNER(S) OR ASSOCIATION. THE SYSTEM WILL BE REVIEWED AND INSPECTED BY THE BUILDING SAFETY SECTION OF THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT.
- ALL ON-SITE WATER LINES SHALL BE PRIVATE PLUMBING LINES SUBJECT TO THE PHOENIX PLUMBING CODE.



**SITE PLAN**  
SCALE: 1" = 30'-0"

**LEGEND**

- ACCESSIBLE PATH
- FIRE LANE, RED PAINTED CURB
- VISIBILITY TRIANGLE

**CITY OF PHOENIX**

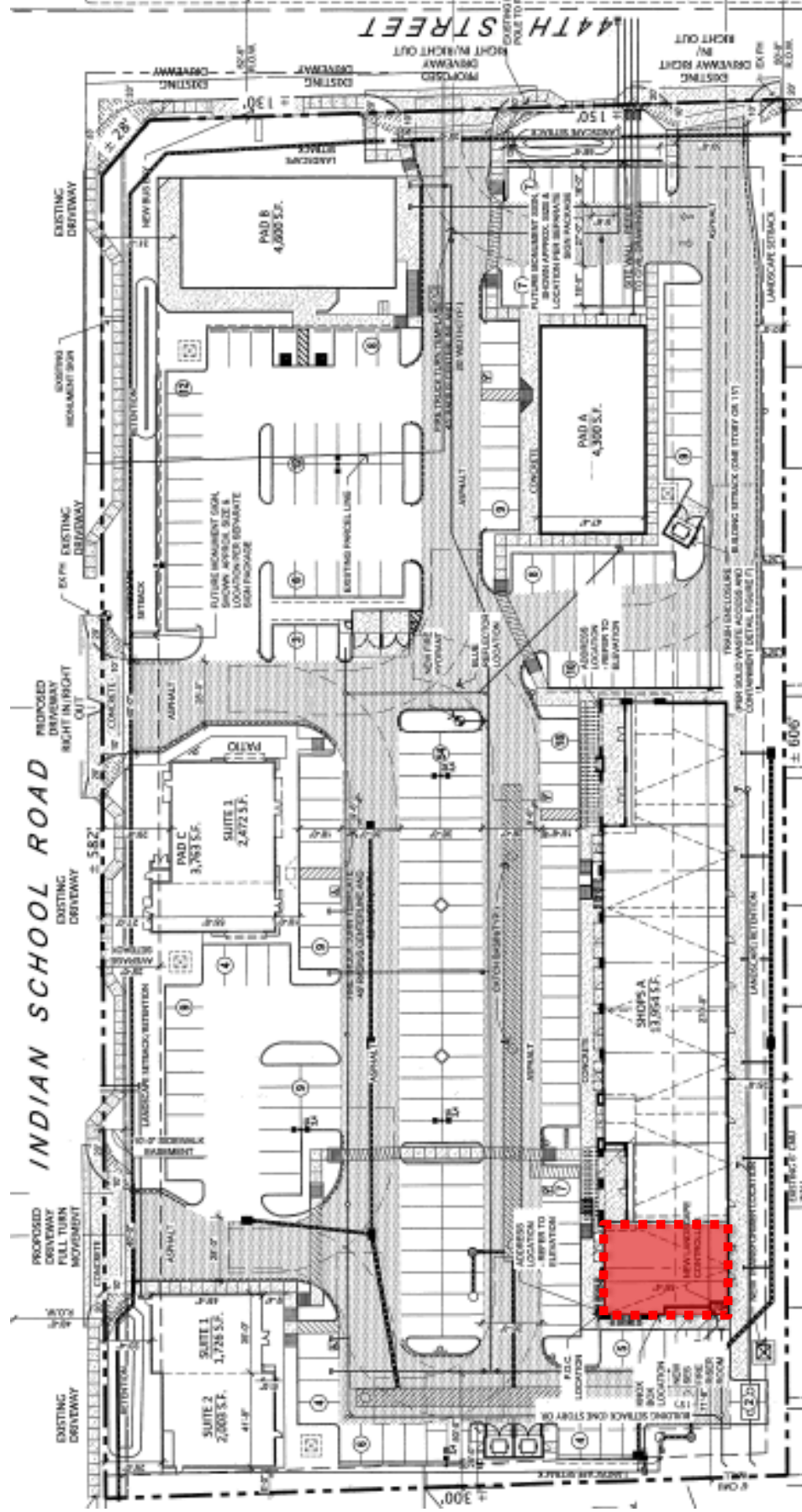
MAY 24 2016  
Planning & Development Department

THIS SITE PLAN HAS BEEN PREPARED PURSUANT TO THE CITY OF PHOENIX PLANNING AND DEVELOPMENT DEPARTMENT'S CONCEPTUAL SITE PLAN REVIEW AND IT IS TO BE THE RESPONSIBILITY OF THE SUBMITTER TO OBTAIN ALL NECESSARY LEGALLY BINDING DOCUMENTATION.



# Elements Massage 44<sup>th</sup> Street & Indian School

## Location within pending Arcadia Gateway Commercial Center



**CITY OF PHOENIX**

MAY 24 2016

Planning & Development  
Department



# PROJECT DIRECTORY

DEVELOPER:  
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 5141 N. 40TH STREET, SUITE 500  
 PHOENIX, ARIZONA 85018  
 CONTACT: BRICE SAMUEL  
 PHONE: (602) 840-2990  
 E-MAIL: brice@samuelandcompany.com

ARCHITECT OF RECORD FOR ARCADIA GATEWAY:  
**ROBERT KUBICEK ARCHITECTS & ASSOCIATES**  
 2233 EAST THOMAS ROAD  
 PHOENIX, ARIZONA 85016  
 CONTACT: EDGAR FELIX  
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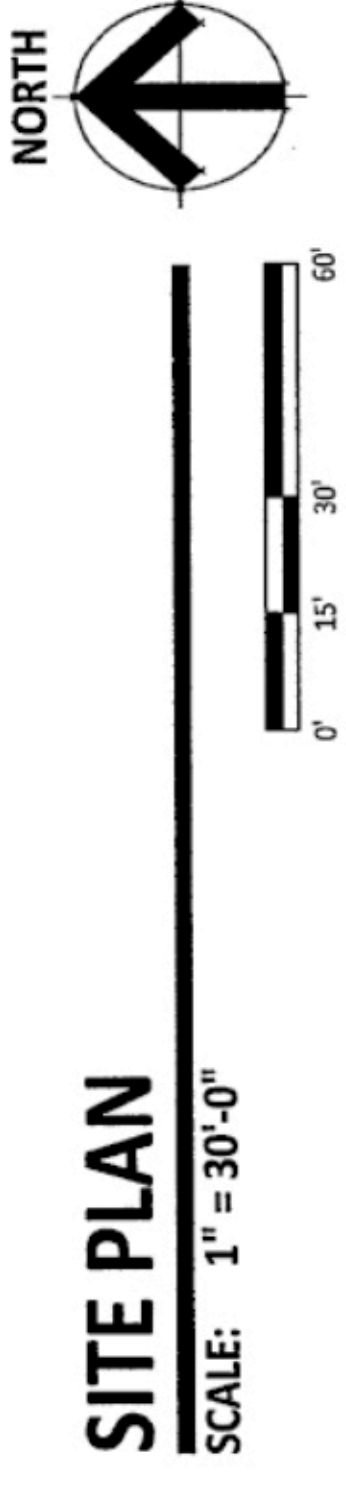
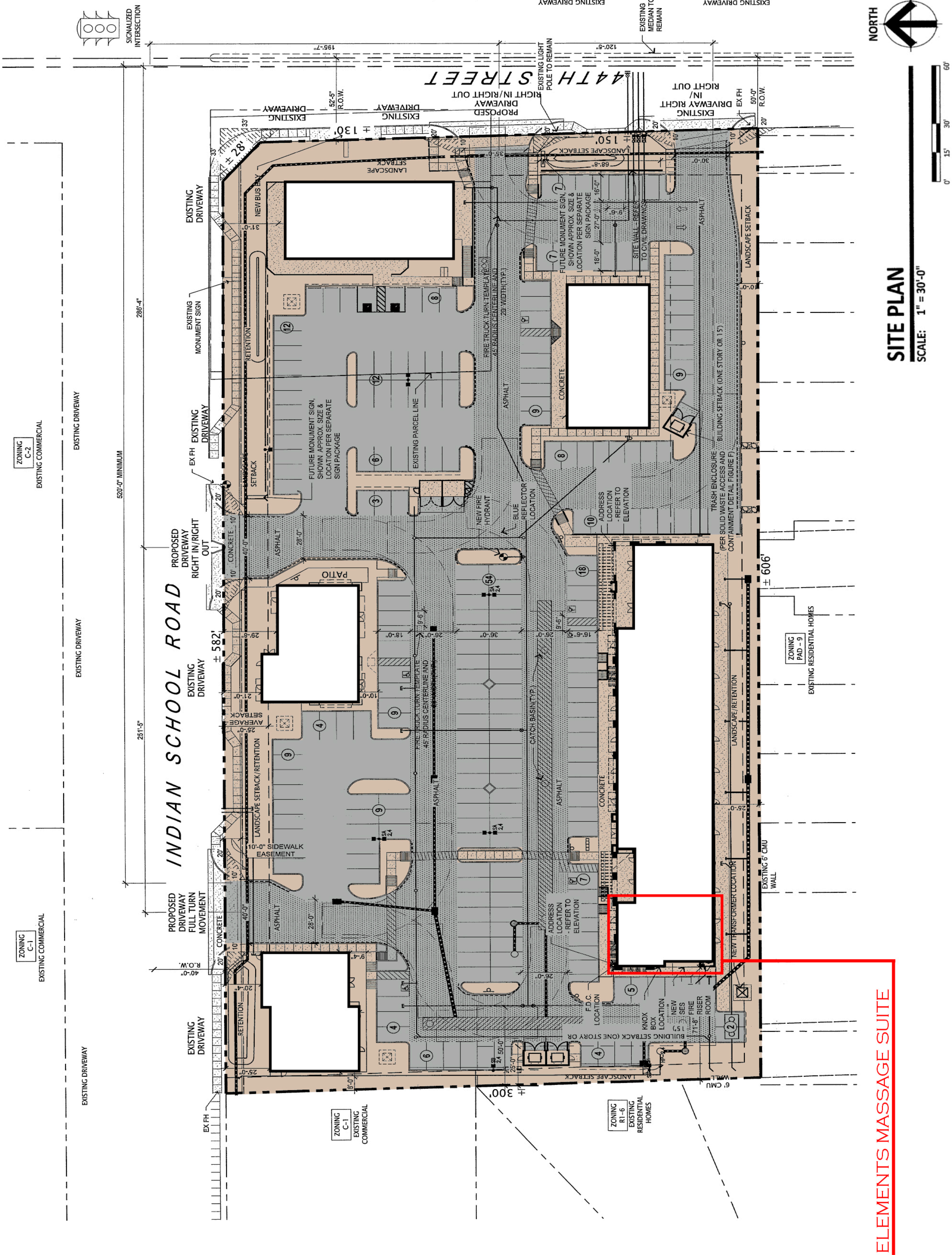
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**CITY OF PHOENIX**  
 MAY 2 4 2016  
 Planning & Development  
 Department

# ELEMENTS MESSAGE - LEASE EXHIBIT

SWC 44<sup>TH</sup> STREET & INDIAN SCHOOL ROAD  
 PHOENIX - ARIZONA

**ELEMENTS MESSAGE SUITE**

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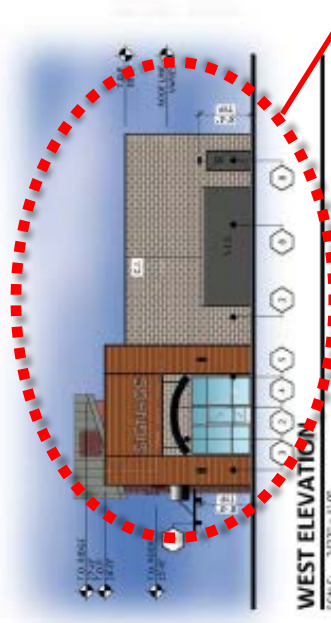


**ARCHICON**  
 ARCHITECTURE & INTERIORS, L.C.



Elements Massage  
44<sup>th</sup> Street & Indian School

Elevations for Arcadia Gateway – Suite Circled



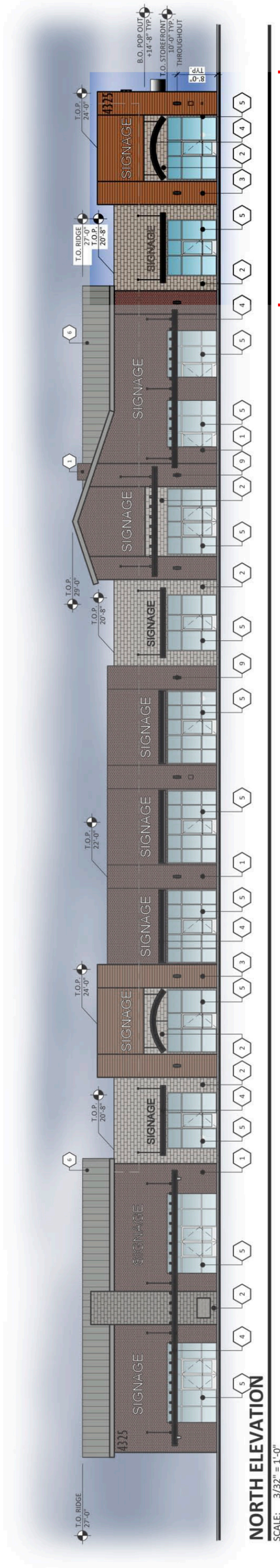
Proposed Location

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Department





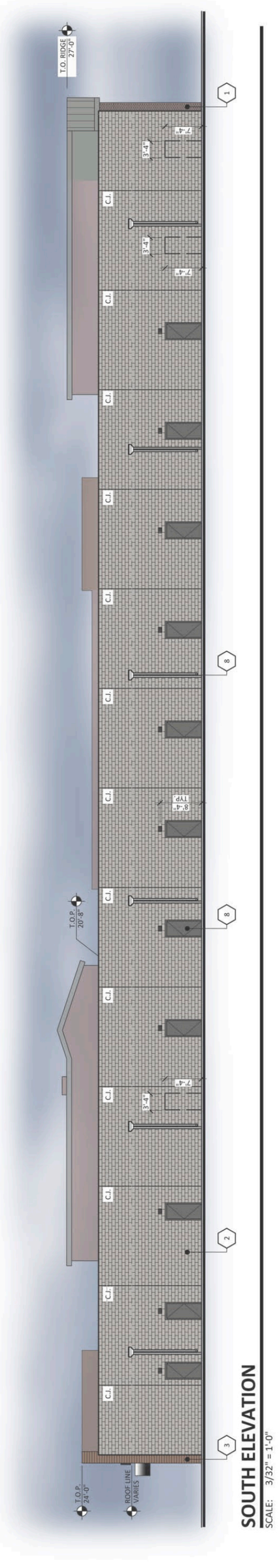
**ELEMENTS MASSAGE SUITE**

**CITY OF PHOENIX**  
 MAY 24 2016  
 Planning & Development  
 Department



**WEST ELEVATION**  
 SCALE: 3/32" = 1'-0"

**ELEMENTS MASSAGE SUITE**



**SOUTH ELEVATION**  
 SCALE: 3/32" = 1'-0"