CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS

CC: 20R

Amend No. _____

Date prepared: September 22, 2010 **Council Meeting Date: October 19, 2010**

TO: Carl Swenson, City Manager

FROM: Susan J. Daluddung, AICP, Deputy City Manager

THROUGH: Glen Van Nimwegen, AICP, Community Development Director

SUBJECT: CU10-0045, Carioca Shell – APPEAL:
Reverse, affirm or modify the Planning and Zoning Commission's decision to approve a Conditional Use Permit for a 12-pump gas station and convenience store on a pad at *Mountainside Crossing Shopping Center* located south of the southeast corner of Lake Pleasant Parkway and Happy Valley Road.

SUPPORT / OPPOSITION: As of the date of this printing, staff has received 17 letters in support of the CUP and 1 letter in opposition.

RECOMMENDATION:

The Mayor and Council make a final determination to reverse, affirm or modify the Planning and Zoning Commission's unanimous decision to approve a Conditional Use Permit for a 12-pump gas station on a pad at *Mountainside Crossing Shopping Center* located south of the southeast corner of Lake Pleasant Parkway and Happy Valley Road.

SUMMARY:

Project Description

The applicant is proposing to locate a 4,000 square foot convenience store and gas station with 12 fuel pumps within the existing 20-acre *Mountainside Crossing Shopping Center*. The proposed use will be located on a pad south of the southeast corner of Happy Valley Road and Lake Pleasant Parkway. The center was zoned as a commercial PAD in 1998 and development commenced in 2005 as a multi-phase center. The center currently includes a bank, restaurants, general retail, a tire store, and an anchor health club.

CITY CLERK USE ONLY:

- ☐ Consent Agenda
- ☐ Carry Over to Date:_____
- ☐ Approved
- ☐ Unfinished Business (Date heard previous:_____)
- ☐ New Business
- ☐ Public Hearing: No Action Taken

ORD. #_____ RES. #_____

LCON#_____ LIC. #_____

Action Date:

Planning and Zoning Commission Action (September 16, 2010)
On September 16, 2010 the Planning and Zoning Commission found that the proposed Conditional Use Permit (CUP) for a gas station complied with the review criteria established to allow such use in the Mountainside Crossing Planned Area Development (PAD) District.

Staff also provided the commission with 15 additional letters/emails (Exhibit D) in support of the proposed gas station. All letters of support were from residents of the northern portions of Peoria. In the days following the Planning and Zoning commission meeting, two additional emails in support were received and are part of Exhibit D.

Public Testimony
Four nearby residents attended the hearing. Three declined to speak; however, they indicated their support for the project. The fourth, who owns the property abutting to the south, spoke against the proposal. He cited traffic concerns, incompatibility with the existing uses in Mountainside Crossing and the proximity of the pumps to where he plans a future restaurant.

Appeal of Planning & Zoning Commission Decision:
In accordance with Section 14-39-10.H of the Zoning Ordinance, a valid appeal was filed on September 20, 2010 of the Planning and Zoning commission's decision to approve the CUP.

AUTHORITY AND PROCEDURE:

Pursuant to Section 14-39-10.H any member of the public, including the applicant, may appeal a decision of the Planning and Zoning Commission to the City Council. The City Council shall base its decision on the written findings previously issued by the Planning and Zoning Commission, applicable law, the review criteria stipulated in Section 14-39-10 of the Zoning Ordinance, and guidelines promulgated by the Department.

If the City Council reverses or modifies the decision of the Commission, the Council shall direct the City Attorney to prepare written findings setting for the basis for the reversal or modification.

CONDITIONAL USE PERMIT DECISION CRITERIA:

Pursuant to Section 14-39-10.E, Conditional Use Permits must be reviewed against the following decision criteria:

1. Whether the use is designated as a permitted Conditional Use within the zoning district in which the property is located.
2. Whether the use meets the locational and development standards provisions, as applicable for the Conditional or Special Use Permit, for the zoning district in which the property is located.
3. Whether the use is consistent with the goals, policies, and future land use map of the General Plan and specific elements of the General Plan and any adopted

Specific Plan applicable to the site where the proposed use is located.

4. Whether the use is consistent with documentation and recommendations provided by reviewing City Departments.

5. Whether the use complies with all applicable city codes, standards, and guidelines governing such use.

6a. Compliance with specific standards established by the Planning Manager that are designed to mitigate any identified impacts that arise out of the proposed use for which the Conditional Use Permit is sought upon the surrounding area, including residential neighborhoods adjacent to the proposed site as determined by the Planning Manager; and

6b. Compliance with specific standards established by the Planning Manager that are designed to ensure compatibility with existing principal permitted uses and conditional uses by addressing the factors set forth in the *Intent* provision of Section 14-39-10.

6c. The Planning Manager shall not approve or recommend approval of any Conditional Use Permit unless the Planning Manager has received a Waiver of Proposition 207 from the Owner or Owners of the property that is the subject of the Conditional Use Permit or has determined that the absence of such Waiver of Proposition 207 is consistent with the City's General Plan and Zoning goals and regulations.

ATTACHMENTS:

Exhibit A. Appeal request
Exhibit B. September 16, 2010 Planning and Zoning Commission Staff Report
Exhibit C. September 16, 2010 Planning and Zoning Commission Minutes
Exhibit D. Resident Emails (D.1 through D.17)

CONTACT: Ed Boik, Planner, 623-773-7565 EB.

EXHIBIT A

JD CAMPBELL COMPANIES
9098 W. PINNACLE PEAK ROAD
PEORIA, AZ 85383
PHN: 623-972-6133 FAX: 623-566-8925
Email: [redacted]

September 20, 2010

Ed Boik
Planning Department
City of Peoria
9875 N. 85th Ave
Peoria AZ 85345

RE: Conditional Use Permit for Carioca Shell
Planning Zoning Agenda on September 16, 2010, Case Number CU10-0045, SP10-0058

Mr. Boik,

Please consider this a request for the above referenced case to be appealed to the Peoria City Council.

You have asked that I submit to you some of my reasons which I will do in a few days. I am having an extremely heavy workload but I wanted to submit my request for the appeal so I do not miss the deadline.

Should you have any questions, please contact me at 623-972-6133.

Respectively,

[redacted]

JD Campbell

JDC/ds

EXHIBIT B

CONDITIONAL USE PERMIT
REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 10-0045

DATE: September 16, 2010

AGENDA ITEM: 5R

Applicant:	Metro Land Consultants on behalf of Carioca Shell
Request:	Obtain a Conditional Use Permit to allow a gas station
Proposed Development:	4,000 square foot convenience store and gas station
Location:	South of the southeast corner of Happy Valley Road and Lake Pleasant Parkway within Mountainside Crossing.
Site Acreage:	1.34 net acres
Support / Opposition:	As of the date of this printing, staff has received one letter against the proposal and one email in support.
Recommendation:	**Approve**, with conditions.

AREA CONTEXT

Table 1: *Existing Land Use, Current Zoning. (Exhibits A & B)*

	LAND USE	GENERAL PLAN	ZONING
Subject Property	**Vacant pad site**	**Community Commercial**	**PAD, Mountainside Crossing**
North	Commercial Center	Community Commercial	PAD, Lake Pleasant Crossing
South	Vacant	Community Commercial / Residential Estate (0-2 du/ac, target 1 du/ac)	SR-43, Suburban Ranch
East	Additional Mountainside Crossing Commercial Uses	Community Commercial	PAD, Mountainside Crossing
West	Commercial Center	Community Commercial	PAD, Lake Pleasant Pavilions

PROJECT DESCRIPTION

Request and Development Details

1. The applicant is proposing to locate a 4,000 square foot convenience store gas station with 20 fuel pumps within the existing 20-acre Mountainside Crossing Shopping Center. The proposed use will be located south of the southeast corner of Happy Valley Road and Lake Pleasant Parkway.

2. The center was zoned Planned Area Development (PAD) in 1998 and development commenced in 2005 as a multi-phase commercial center. Currently, the center includes a bank, restaurants, general retail, a tire store, and a health club.

DISCUSSION AND ANALYSIS

Applicability

3. The Mountainside Crossing PAD essentially points to the C-2, Intermediate Commercial zoning district for allowable uses. Accordingly, a gas station requires a Conditional Use Permit (CUP).

4. Section 14-39-10.D of the Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits. In general, the purpose of a CUP is to mitigate any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.

5. Additionally, Section 14-9-5 identifies additional gas station use standards which are designed to mitigate any use-specific impacts.

Analysis

6. The gas station is located south of the hard southeast corner of Lake Pleasant Parkway and Happy Valley Road. The original concept plans for the shopping center showed a gas station at the hard corner. A Chase bank is at that location.

7. The rear of the site abuts a property zoned SR-43 but conceptually intended to be rezoned and developed as a commercial center. In late 2008, an application was received for the abutting parcel to the south. However no recent review activity has taken place. The application is considered active, but pending.

8. A 20-foot wide landscape buffer separates this property from the property to the south. The site is designed so the fuel pumps are further separated from the south property by the convenience store building. This will mitigate light, sound, and other impacts which the gas station might produce.

9. The proposed use will not adversely impact internal circulation and traffic movements. Additionally, the gas station is not expected to adversely impact traffic flows on Lake Pleasant Parkway.

10. The use is not expected to impact the adjacent commercial uses or residential properties through light, odor, smoke, heat, or glare.

11. The gas station is designed to meet all the use criteria for gas stations, including minimum lot frontage, minimum setbacks, and a fuel canopy.

12. The architectural design of the building and fuel canopy are consistent with the architecture and materials of the existing buildings within Mountainside Crossing and the City of Peoria Design Review Manual.

13. In staff's judgment, the proposed use is appropriate and compatible with surrounding land uses and the context of the area in question.

Noticing and Neighborhood Comment

14. The application notice was forwarded to all property owners within 300 feet of the proposal and properly noticed pursuant to Section 14-39-10 of the Peoria Zoning Ordinance.

15. One letter against the proposal has been received. The reasons stated include the proximity of the fuel pumps to the south property, the plans for a future restaurant on the south property, traffic concerns on Lake Pleasant Parkway, and the project being too large for the parcel.

16. One email was received in support of the project. The email noted a need for gas stations in this portion of Peoria.

Proposition 207

17. The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has furnished a signed and notarized Proposition 207 Waiver.

FINDINGS AND RECOMMENDATION

18. Based on the following findings:

- Operation of the site with a gas station is compatible with adjacent uses; and
- The project meets the gas service station criteria under Article 14-9-5;
- The project has demonstrated mitigation of light, noise, and odor impacts which meets the Conditional Use Permit criteria under Article 14-39-10.D;

- The use, in conjunction with the conditions will operate in a manner that mitigates nuisances and other disturbances from impacting adjacent uses and properties;

It is recommended that the Planning and Zoning Commission take the following action:

Approve the applicant's request for a Conditional Use Permit under Case CU10-0045, subject to the following conditions:

1. The use shall substantially conform to the project narrative (Exhibit D) as contained in the staff report to the Planning & Zoning Commission dated September 16, 2010, except where modified herein.
2. The use shall be developed in substantial conformance to the site plan and elevations (Exhibit E).
3. In accordance with Article 14-39-10.B.5 of the City of Peoria Zoning Ordinance (1977 Edition), a building permit must be obtained within 18 months of the date of Conditional Use Permit approval.

ATTACHMENTS

Exhibit A	Location Map
Exhibit B	Zoning Map
Exhibit C	Context Aerial Map
Exhibit D	Project Narrative
Exhibit E	Site Plan/Elevations
Exhibit F	Emails & Letters from the Public

Prepared by: Ed Boik
Planner

CU10-0045 Location Map

N
W CITY OF PEORIA E
S

Not toScale

CU10-0045 Peoria Shell

Applicant: Carioca Shell
Request: Conditional Use Permit to allow a gas station and convenience store.

Exhibit A

CU10-0045 Zoning Map

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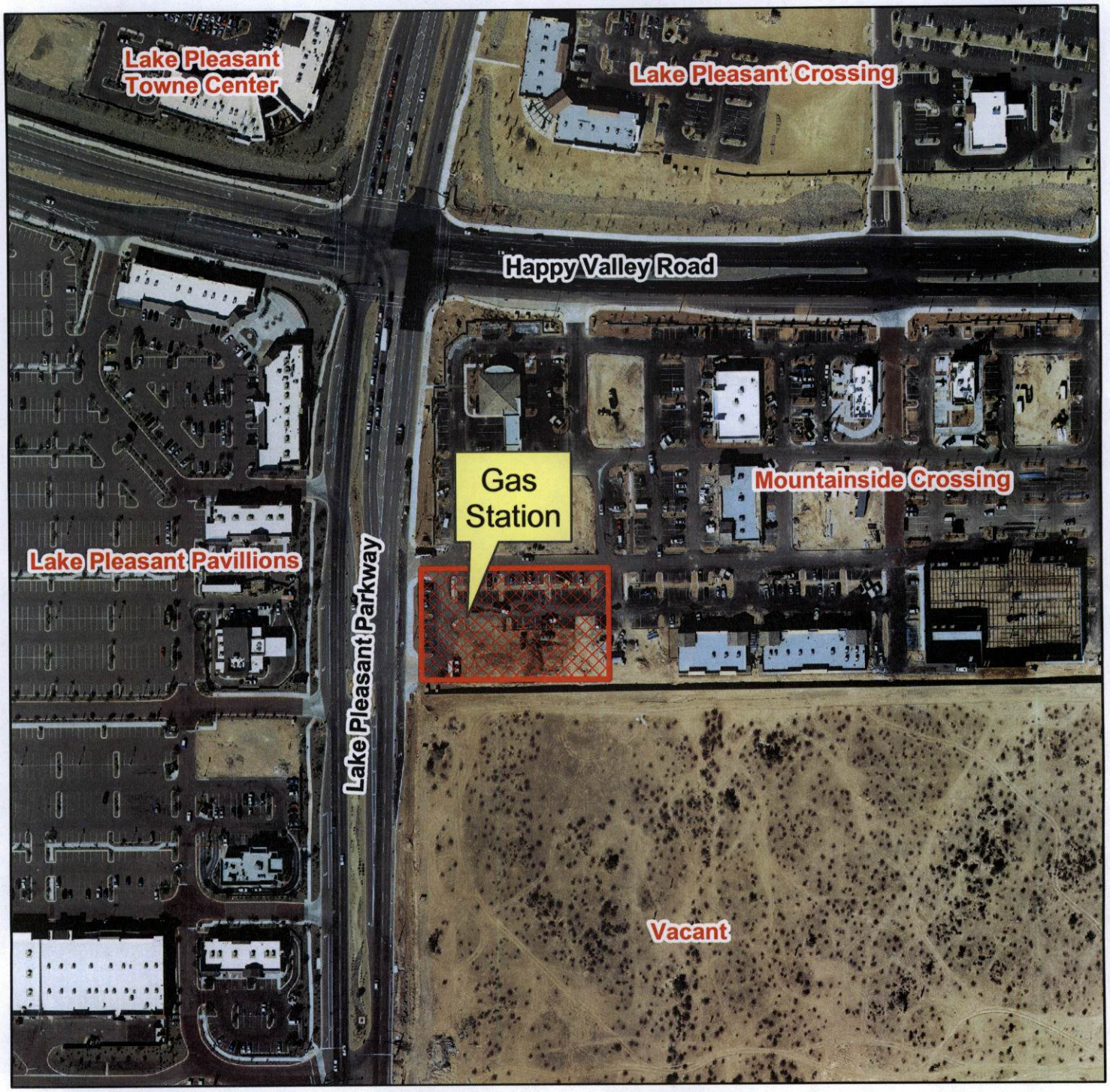
Not toScale

CU10-0045 Peoria Shell

Applicant: Carioca Shell
Request: Conditional Use Permit to allow a gas station and convenience store.

Exhibit B

CU10-0045 Context Map



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CU10-0045 Peoria Shell

Applicant: Carioca Shell
Request: Conditional Use Permit to allow a gas station and convenience store.

Exhibit C

EXHIBIT D

Project Narrative

Carioca – Shell Convenience Store

South of the SEC Lake Pleasant Parkway and Happy Valley Road
City of Peoria

Application for Conditional Use Permit to Allow a Gas Service Station

Submitted: February 1, 2010

I. Purpose of Request

This application requests a Conditional Use Permit to allow a gas service station for the Carioca Company ("Carioca") to operate a Shell Convenience Store ("Shell") on parcel number 201-16-366. The proposed Shell will be a component of the overall Mountainside Crossing Planned Area Development ("PAD") and will compliment the overall development. This request pertains only to a particular parcel within Mountainside Crossing and consists of 1.34 net acres.

Carioca proposes to develop a stand alone 3,887 square foot convenience store with associated parking as well as a 20 fuel sales pumps under a lighted canopy structure. The proposed use will be a great addition to the overall development, providing a much needed service for the Peoria area. The proposed use and site layout were designed to be incorporated into the balance of the Mountainside Crossing center to the north and east.

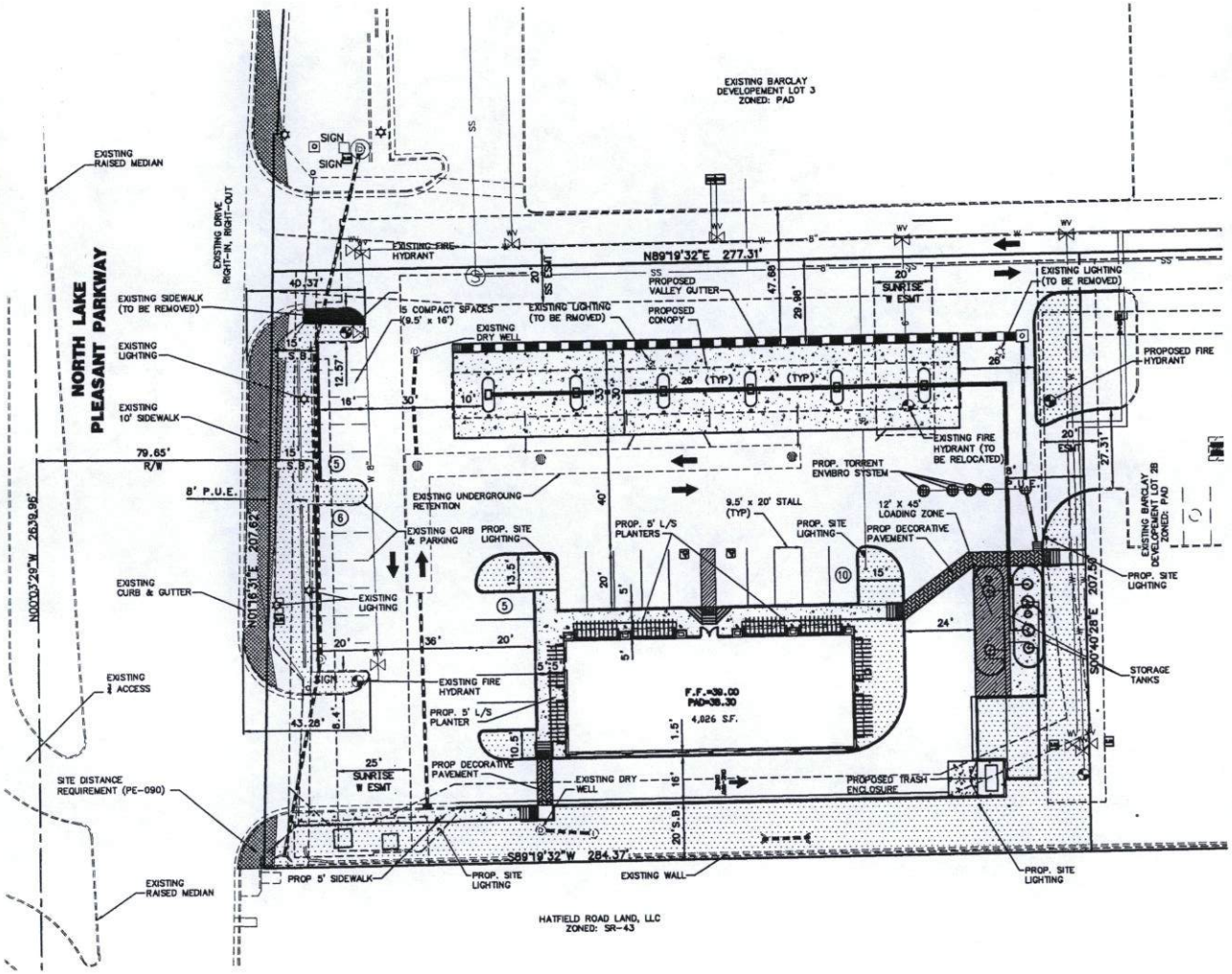
II. Site Design

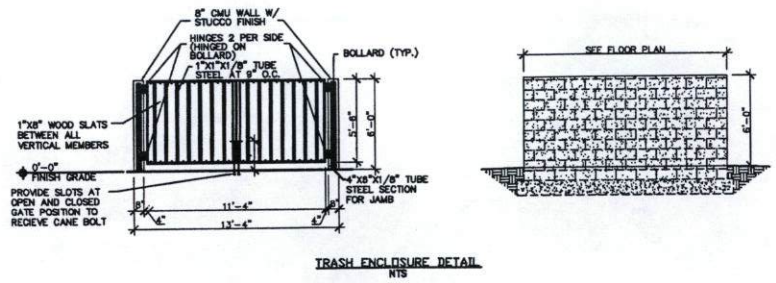
As depicted on the attached site plan, Shell has been designed to fit well within the overall commercial property. The site consists of two restricted access driveways along the Lake Pleasant Parkway frontage. This is in keeping with the overall development infrastructure that has already been constructed. The internal and overall development circulation has been reviewed to ensure safe and efficient vehicle and pedestrian movements to and from the site as well as within the overall development. Because Shell is part of a larger commercial development, emergency and delivery vehicle movements through the site have been considered and will accommodate the balance of the commercial development. The volume of traffic and the character of the traffic patterns to the area should not change significantly with the development of the proposed Shell station. All building setbacks will be met or exceeded to ensure compatibility with adjacent properties.

III. Adjacent Development

The proposed Shell conditional use permit will not have a detrimental impact on the area. All four corners of the Lake Pleasant Parkway and Happy Valley Road intersection are developed with varying types of commercial uses. The property immediately adjacent to Shell (south of the Mountainside Crossing PAD) is vacant and zoned SR-43. While this is a large lot residential zoning district, it is highly unlikely that such development will come to fruition on such a busy arterial roadway with the existing commercial development in the immediate area.

EXHIBIT E





TRASH ENCLOSURE DETAIL
NTS

PROJECT DATA

PROJECT LOCATION:
LOT 2A OF MOUNTAINSIDE CROSSING SOUTH OF THE SOUTHEAST CORNER OF HAPPY VALLEY & LAKE PLEASANT

PARCEL NUMBER:
207-16-360

SETBACK REQUIREMENTS:
FRONT YARD: 15'
REAR YARD: 20'
FROM RESIDENTIAL: 20'

ZONING:
CURRENT ZONING: PAD
PROPOSED ZONING: PAD

BUILDING AREA:
TOTAL 4,026 S.F.

LOT COVERAGE:
OVERALL SITE AREA: 758,166 SQ. FT. / 17.41 AC.
GROSS AREA (PARCEL 2A) 74,861 SQ. FT./ 1.71 AC.
NET AREA: 58,274 S.F. / 1.34 AC.
NET LOT COVERAGE: 4,026 / 58,274 = 6.9%
LANSCAPING: 13,384 / 58,274= 22.9%

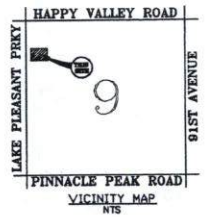
MAX BUILDING HEIGHT:
35'-0"

ACTUAL BUILDING HEIGHT:
26'-3"

PARKING:	REQ.	PROVIDED
REQUIRED (1 PER 300 SQ. FT.)	9	
TYPICAL STALLS		25
SPACE AT PUMPS		12
ADA 3% OF REQUIRED	1	2
	10	37

GENERAL NOTES:

1. ALL SIGNAGE SHALL BE SUBJECT TO A SEPARATE REVIEW AND APPROVAL PROCESS.
2. ALL NEW GROUND-MOUNTED AND ROOF MOUNTED EQUIPMENT, INCLUDING UTILITIES, SHALL BE SCREENED FROM VIEW.
3. TRASH ENCLOSURE WILL BE CONSTRUCTED IN ACCORDANCE WITH CITY OF PEORIA STANDARD DETAIL PE-146-2A AND SECTION 14-2-16 OF THE CITY OF PEORIA ZONING ORDINANCE.
4. (LANDSCAPE PLAN) A PRE-EMERGENT HERBICIDE SHALL BE APPLIED TO THE GROUND PRIOR TO AND AFTER THE PLACEMENT OF NATURAL SURFACE MATERIALS IN ANY LANDSCAPED AREAS.
5. "FIRE APPARATUS ACCESS ROADS SHALL BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION OF THIS PROJECT. THE MINIMUM STANDARDS SHALL COMPLY WITH SECTIONS 503.1 AND 503.2 OF THE INTERNATIONAL FIRE CODE WITH CITY OF PEORIA AMENDMENTS". PER SECTION 503.3 PROVIDE A SIGN AT THE ENTRANCE TO THE PROPERTY DURING CONSTRUCTION. THIS SIGN SHALL BE 48" x 48" WITH RED LETTERING ON A WHITE BACKGROUND STATING: FIRE ACCESS ROAD-NO PARKING (JOB ADDRESS).



VICINITY MAP
NTS

LEGEND

- SIGHT VISIBILITY REQUIREMENT
- LANDSCAPE AREA
- PROPOSED CONCRETE
- ACCESSIBLE ROUTE OF TRAVEL, MINIMUM WIDTH TO BE 4'-0", MAX. RUNNING SLOPE TO BE 1:20 AND A MAX. CROSS SLOPE TO BE 1:50, SURFACE SHALL BE FIRM, STABLE AND SLIP RESISTANT
- PROPERTY LINE
- CENTER LINE
- EASEMENT
- SETBACK LINE
- EXISTING CURB
- PROPOSED CURB
- EXISTING LIGHT
- PROPOSED LIGHT
- PROPOSED FIRE HYDRANT
- PROPOSED FDC

OWNER

THE CARIOCA COMPANY
2601 W DUNLAP AVE.
PHOENIX, AZ 85021
CONTACT: MR. MARVIN ROSE
PHONE: (602) 395-2600
FAX: (602) 395-2677

ARCHITECT

DESIGN SENSE ARCHITECTURE & DESIGN LLC
9055 EAST LARKSPUR DR SCOTTSDALE, AZ85260
PHONE 602-690-7782
FAX 480-306-6669
CONTACT: ROBERT TIENI, RA

ENGINEER

METRO/LAND CONSULTANTS, LLC
1850 NORTH CENTRAL AVE.
SUITE 525
PHOENIX, ARIZONA 85004
TEL (602) 393-2030
FAX (602) 393-2031
CONTACT: CHRIS WILSON

PROJECT DESCRIPTION

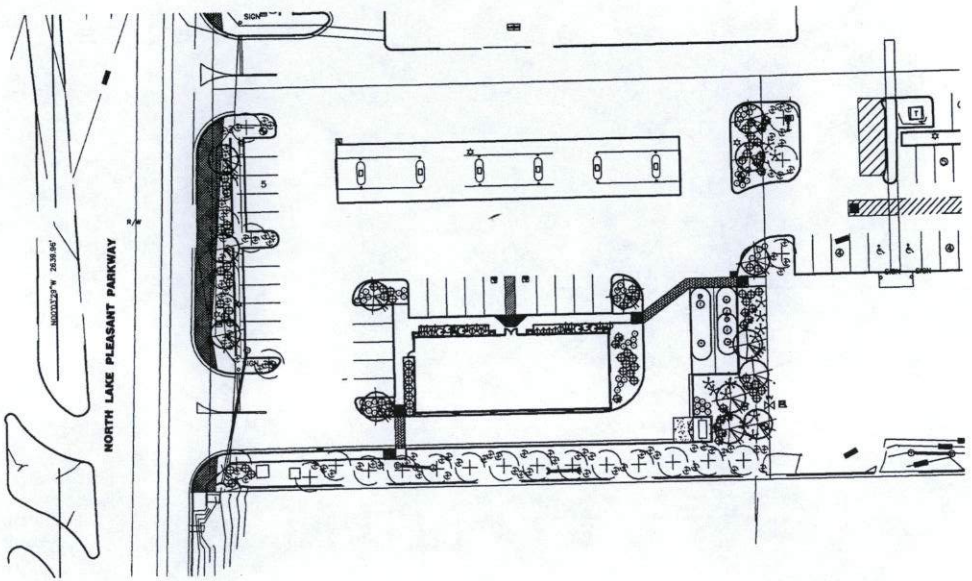
3,887 SF C-SOTRE WITH FUEL SALES

20 0 10 20 40
1"=20' H

CARIOCA CO.
SHELL C-STORE

Metro/Land Consultants, LLC

Jul 22, 2010 - 5:47pm
C:\JOBS-10\10-044 Shell (El Pavo)\DWGS\MPD\SITE PLAN OF 2.dwg



LANDSCAPE PLAN

0' 15' 30' 60'

SITE PLAN PLANTING DATA

	REQUIRED	PROVIDED
LANDSCAPE AREAS	11,031.94 SQ. FT.	11,323 SQ. FT.
A. ON-SITE LANDSCAPE AREA [14-35-4.A.1]		
1. OVERALL ON-SITE		
INDUSTRIAL: 10% OF NET SITE AREA**		
MULTI-FAMILY: 20% OF NET SITE AREA**		
COMMERCIAL/OTHER NON-RESIDENTIAL: 20% OF NET SITE AREA **		
** NET OUT LANDSCAPE BUFFER & SCHOOL PLAYFIELDS.		
IF APPLICABLE [C]		
B. STREET FRONTAGE BUFFER [14-35-4.A.2]	207.62' LIN. FT.	207.62' LIN. FT.
1. COMMERCIAL/MULTI-FAMILY: 15' WIDE STRIP (ON-SITE) ALONG STREET FRONTAGE	NA LIN. FT.	NA LIN. FT.
2. SCHOOLS: 15' WIDE STRIP (ON-SITE) ALONG ARTERIAL STREET FRONTAGE/10' OTHERS	NA LIN. FT.	NA LIN. FT.
3. INDUSTRIAL: 10' WIDE STRIP (ON-SITE) ALONG STREET FRONTAGE		
C. LAND USE BUFFERS [14-35-4.A.3]	NA SQ. FT.	NA SQ. FT.
1. O-1/C-1 DISTRICTS ABUTTING ALL RESIDENTIAL DISTRICTS: 20'WIDE	NA SQ. FT.	NA SQ. FT.
2. OTHER NON-RESIDENTIAL DISTRICTS ABUTTING ALL RESIDENTIAL DISTRICTS: 30'WIDE	NA SQ. FT.	NA SQ. FT.
3. MULTI-FAMILY DISTRICTS ABUTING SINGLE-FAMILY DISTRICTS: 20'WIDE		
PLANT QUANTITIES		
ON-SITE LANDSCAPE AREAS [14-35-4.A.1.a]		
MULTI-FAMILY AND NON-RESIDENTIAL	28 TREES	28 TREES
D. TREES: 1 PER 400 SQ. FT. OF REQ. LANDSCAPING (SEE A.1)	138 SHRUBS	138 SHRUBS
E. SHRUBS: 5 PER 400 SQ. FT. OF REQ. LANDSCAPING (SEE A.1)		
SCHOOLS	TREES	TREES
F. TREES: 1 PER 800 SQ. FT. OF REQ. LANDSCAPING (SEE A.1)	SHRUBS	SHRUBS
G. SHRUBS: 1 PER 800 SQUARE FEET OF REQ. LANDSCAPING (SEE A.1)		
STREET FRONTAGE BUFFER PLANTINGS [14-35-4.A.2]	8 TREES	8 TREES
H. TREES: 1 PER 25 LIN FEET OF STREET FRONTAGE	42 SHRUBS	42 SHRUBS
I. SHRUBS: 5 PER 25 LIN FEET OF STREET FRONTAGE		
LAND USE BUFFER PLANTINGS [14-35-4.A.3]	NA TREES	NA TREES
J. TREES: 3 PER 1,000 SF OF REQUIRED BUFFER AREA (24" BOX MIN)	NA SHRUBS	NA SHRUBS
K. SHRUBS: 5 PER 1,000 SF OF REQUIRED BUFFER AREA (5 GAL MIN)		
TOTALS	**REQUIRED**	**PROVIDED**
TOTAL LANDSCAPE AREAS (A+B+C)	11,031.94 SQ. FT.	11,323 SQ. FT.
TOTAL TREES (D+F+H+J)	36 TREES	36 TREES
TOTAL 24" BOX TREES (50% OF TOTAL REQUIRED TREES)	18 TREES	36 TREES
TOTAL SHRUBS (E+G+I+K)	180 SHRUBS	180 SHRUBS

GENERAL NOTES
1. TURF (LAWN) IS LIMITED TO A MAXIMUM OF 20% OF THE SITE AREA.
2. A DEVELOPMENT MAY SUBSTITUTE A 36" BOX OR LARGER TREE IN PLAVE OF A 15 GALLON TREE AT A SUBSTITUTION RATE OF 1.5 TREES FOR EVERY REQUIRED (15) GALLON TREE.
3. ALL LANDSCAPED AREAS SHALL BE SUPPORTED BY AN AUTOMATIC IRRIGATION SYSTEM WHICH MAY BE SPRAY, FLOOD OR DRIP SYSTEMS.
4. PLANT MATERIALS UTILIZED IN LANDSCAPED AREAS IN THE R.O.W. MUST BE INCLUDED ON THE MOST RECENT EDITION OF THE PHOENIX ACTIVE MANAGEMENT AREA LOW WATER USE / DROUGHT TOLERANT PLANT LIST.
5. THE PROPERTY OWNER AND/OR LESSEE SHALL BE RESPONSIBLE TO INSTALL/MAINTAIN ALL LANDSCAPING IMPROVEMENTS ON-SITE.
6. A 10' FOOT CLEAR SPACE IS REQUIRED AROUND ALL FIRE SUPPRESSION EQUIPMENT. NO PLANTS MAY BE INSTALLED THAT WILL EVENTUALLY REACH WITHIN MATURE.

MISC NOTES
1. ALL LANDSCAPE WILL BE GUARANTEED 100% DRIP IRRIGATION
2. A PRE-EMERGENT HERBICIDE SHALL BE APPLIED TO THE GROUND PRIOR TO, AND AFTER THE PLACEMENT OF NATURAL SURFACE MATERIALS IN ALL LANDSCAPE AREAS

LANDSCAPE LEGEND

- CERCIDIUM DESERT MUSEUM / DESERT MUSEUM PLAO VERDE / 24" BOX (MATCHING)
- LEUCOPHYLLUM FRUTESCENS / 'WHITE CLOUD' / 5 GALLON
- CAESALPINIA MEXICANA / MEXICAN BIRD OF PARADISE / 5 GALLON
- HESPERALOE PARVIFLORA / RED YUCCA / 5 GALLON
- LANTANA MONTEVIDENSIS / 'GOLD MOUND' / 1 GALLON
- PHOENIX ROEBELENII / PIGMY DATE PALM / 15 GALLON
- DIETIES BICOLOR / FORTNIGHT LILLY / 1 GALLON
- 3/4" MINUS GRANITE (MATCH EXISTING) / DECOMPOSED GRANITE / 2" DEPTH IN ALL LANDSCAPE AREAS
- EXISTING TREE / PROTECT FROM CONSTRUCTION

LANDSCAPE AND IRRIGATION

1. ALL LANDSCAPE AND IRRIGATION INSTALLED WITHIN THE PUBLIC RIGHT-OF-WAY OR OTHER CITY MAINTAINED AREAS SHALL BE INSTALLED PER THE APPROVED PLANS. ALL LANDSCAPING APPROVED AS A PART OF THE SITE PLAN PROCESS SHALL BE INSTALLED PER THE APPROVED PLANS. ANY DEVIATIONS TO THE APPROVED PLANS REQUIRE CITY APPROVAL.
2. PERMITS ARE REQUIRED FOR ELECTRICAL CONNECTIONS, INCLUDING ELECTRIC METER INSTALLATION, BACKFLOW PREVENTERS, AND WORK WITHIN THE CITY RIGHT - OF - WAY OR CITY DEDICATED PROPERTY. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING THESE PERMITS PRIOR TO THE COMMENCEMENT OF ANY WORK.
3. ALL LANDSCAPE PROJECTS REQUIRING CITY MAINTENANCE OR WITHIN THE CITY RIGHT - OF - WAY SHALL BE INSPECTED FOR THE FOLLOWING.
   - A. PLANT LOCATIONS: THESE LOCATIONS SHALL BE STAKED IN THE FIELD WITH IDENTIFICATION AS TO TREES OR SHRUBS; OR HOLES FOR THE PLANT MATERIALS MAY BE DUG WITH IDENTIFICATION OF PLANT TYPE. USE OF THIS METHOD DOES NOT RELIEVE THE CONTRACTOR OF ANY PLANT RELOCATIONS MADE BY THE CITY.
   - B. IRRIGATION INSTALLATION: INSPECTIONS SHALL BE MADE AT THE POINT THE IRRIGATION SYSTEM IS INSTALLED. INSPECTIONS OF THE PIPE DEPTH, AUTOMATIC VALVE INSTALLATION AND EMITTER / SPRAY INSTALLATIONS WILL BE MADE.
   - C. SUBSTANTIAL COMPLETION: AN INSPECTION AT COMPLETION OF THE LANDSCAPE AND IRRIGATION INSTALLATION WILL BE MADE. ANY DEFICIENCIES IN THE INSTALLATION WILL BE NOTED AND CORRECTED BY THE CONTRACTOR DURING THE MAINTENANCE PERIOD.
   - D. FINAL ACCEPTANCE: A FINAL INSPECTION IS REQUIRED PRIOR TO CITY ACCEPTANCE OF THE LANDSCAPE AND IRRIGATION IMPROVEMENTS.

THE ABOVE INSPECTIONS REQUIRE A MINIMUM OF 48 - HOURS PRIOR NOTIFICATION TO THE CITY. CALL THE PEORIA COMMUNITY DEVELOPMENT DEPARTMENT AT (623) 773 - 7200 AND LEAVE A MESSAGE INCLUDING THE SUBDIVISION, LOCATION AND TYPE OF INSPECTION TO ARRANGE FOR THESE INSPECTIONS.

4. SEPARATE INSPECTIONS ARE REQUIRED FOR THE BACKFLOW PREVENTER AND ELECTRICAL CONNECTIONS. PLEASE CALL (623) 773 - 7220 A MINIMUM OF 24 - HOURS PRIOR TO ARRANGE FOR THESE INSPECTIONS.
5. LANDSCAPE AND IRRIGATION, WHICH IS INSTALLED ON PRIVATE PROPERTY IN THE CONJUNCTION WITH A CITY APPROVED SITE PLAN WILL BE INSPECTED BY THE COMMUNITY DEVELOPMENT DEPARTMENT FOR CONFORMANCE TO THE APPROVED SITE PLAN PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
6. DELETED
7. ALL CITY MAINTAINED PROJECTS REQUIRE A 90 - DAY MAINTENANCE PERIOD TO BEGIN AT THE DATE OF SUBSTANTIAL COMPLETION AS DETERMINED BY THE CITY.
8. RIGHT - OF - WAY AND CITY MAINTAINED AREAS REQUIRE SEPARATE WATER METER CONNECTIONS. RIGHT - OF - WAY AREAS DESIGNATED FOR MAINTENANCE BY THE ADJACENT PROPERTY OWNERS FOR COMMERCIAL, INDUSTRIAL AND MULTI - FAMILY DEVELOPMENTS SHALL HAVE THE RIGHT - OF - WAY IRRIGATION ISOLATED OR SEPARATED FROM THE ON - SITE IRRIGATION SYSTEM.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR INSTALLATION, COST AND REQUIRED PERMIT FEES FOR THE WATER METER (S) DESIGNATED TO SERVE THE IRRIGATION SYSTEM.
10. ALL PLANTINGS AT MATURITY SHALL MAINTAIN A MINIMUM 6'-0" CLEARANCE AROUND ALL FIRE HYDRANTS AND FIRE SUPPRESSION DEVICES.
11. PLANTINGS SHALL NOT INTERFERE WITH ANY TRAFFIC CONTROL SIGNS AND SHALL MAINTAIN A MAXIMUM HEIGHT OF 2'-6" WITHIN ANY SIGHT DISTANCE TRIANGLES.
12. INSTALLATION OF THE LANDSCAPE AND IRRIGATION SYSTEM INCLUDING ADDITION OF GROUND PLANT MATERIALS SHALL NOT IMPEDE THE FLOW OF DESIGNED DRAINAGE FACILITIES NOR DECREASE THE DESIGN VOLUME OF ANY DETENTION / RETENTION BASINS.
13. THE CONTRACTOR IS RESPONSIBLE FOR THE LOCATION AND PROTECTION OF ALL UNDERGROUND UTILITIES DURING THE LANDSCAPE AND IRRIGATION INSTALLATION.
14. ALL TREES SHALL MAINTAIN A MINIMUM OF 6'-0" CLEARANCE FROM ANY CITY WATER OR SEWER LINE. ALL PLANTINGS SHALL MAINTAIN A SUFFICIENT DISTANCE TO ANY SANITARY AND STORM SEWER MANHOLES TO ALLOW ACCESS BY MAINTENANCE VEHICLES.
15. A SWALE MINIMUM OF 6" IN DEPTH SHALL BE PROVIDED IN ALL LANDSCAPE AREAS WITHIN THE CITY RIGHT - OF - WAY PER CITY DETAIL TO PROMOTE WATER HARVESTING.
16. ALL PLANTING AREAS (EXCEPT TURF AREAS) TO BE MAINTAINED BY THE CITY SHALL BE TREATED WITH A PRE - EMERGENT HERBICIDE BY A LICENSED APPLICATOR PRIOR TO AND AFTER THE PLACEMENT OF THE DECOMPOSED GRANITE, RIVER ROCK ETC. APPLICATION DOCUMENTATION WILL BE REQUIRED PRIOR TO ACCEPTANCE OF THE LANDSCAPING BY THE CITY.
17. AS - BUILT DRAWINGS OF THE LANDSCAPE AND IRRIGATION SYSTEM ARE REQUIRED PRIOR TO ACCEPTANCE BY THE CITY AND FOR PROJECTS WITHIN THE CITY RIGHT - OF - WAY OR CITY OWNED PROPERTY. THE AS - BUILT DRAWINGS SHALL BE 4 - MIL PHOTO MYLAR SHOWING THE LOCATIONS OF ALL PLANTINGS AND THE DIMENSIONS TO FIXED POINTS OF ALL IRRIGATION EQUIPMENT, PIPING ETC.

T.J. McQUEEN & ASSOCIATES, INC.
LANDSCAPE ARCHITECTURE
URBAN DESIGN
SITE PLANNING
345 E. Virgina Avenue
Phoenix, Arizona 85004
PH. (602) 265-0320 FX. (602) 266-6619

T&M ASSOCIATES

DATE	DESCRIPTION
	REVISIONS

CARIOCA CO.
SHELL C-STORE
SOUTH OF THE SOUTHEAST CORNER OF HAPPY VALLEY & LAKE PLEASANT PKWY
PEORIA, ARIZONA

Metro/Land Consultants, LLC
1850 N. CENTRAL AVE., SUITE 525 PHOENIX, AZ 85004 PH. 602-393-2030 FAX 602-393-2031

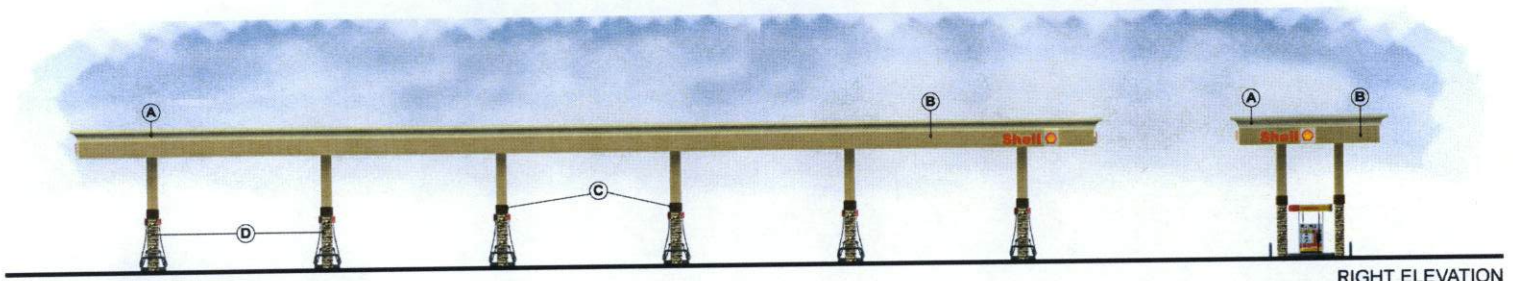
DESIGN: CW | DRAFTING: CDL | CHECKED: MLC | DATE: NOV 16, 2009

SEAL
TIMOTHY J. McQUEEN
EXPIRES 06/30/11

CALL TWO WORKING DAYS BEFORE YOU DIG
602-263-1100
1-800-STAKE-IT (OUTSIDE MARICOPA COUNTY)

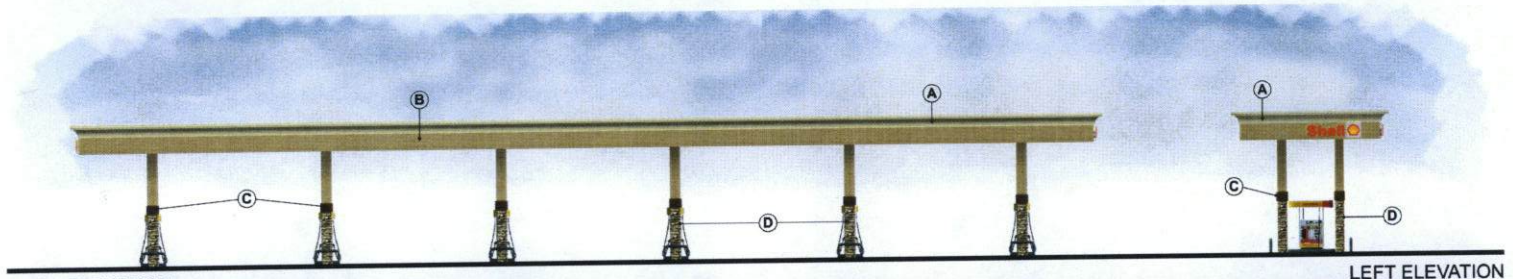
JOB NO. 09-044

La.01 OF 3



FRONT ELEVATION

RIGHT ELEVATION



BACK ELEVATION

LEFT ELEVATION

DAY PERSPECTIVE

NIGHT PERSPECTIVE

A

'CREWEL TAN'
SW 0011
SHERWIN WILLIAMS

B

'HANDWOVEN'
DE6200
DUNN EDWARDS

C

'ROCKWOOD BROWN'
SW 2806
SHERWIN WILLIAMS

D

'EUCAPLYPTUS'
CSV20050T
CULTURED STONE

2009 (4) VENTAIRE, LLC
(800) 324-5874
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ISSUE	DATE	ISSUE	BY
			KRE

ISSUE AND REVISIONS

Ventaire, LLC
• 4345 SO. 90th E. AVE. – TULSA, OK. 74145
• P.O. BOX 471530 – TULSA, OKLA. 74147-1530
• PHONE (918) 822-1191

CAI OCA CO

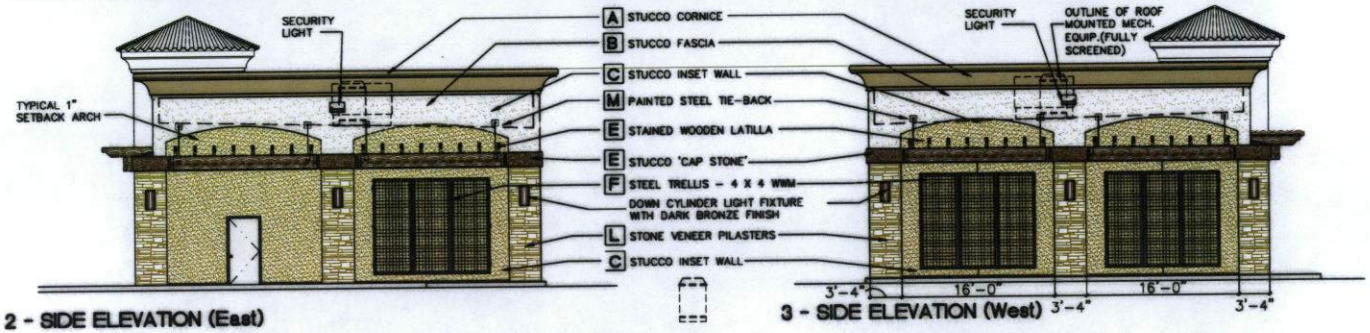
N LAKE PLEAS NT + HAPPY VALLEY
PH ENIX, AZ

175'-5" ; 24'-2" SHELL
RM-EVOL ITION CANOPY

PRODUCT DESCRIPTION
ELEVATION
RENDERINGS

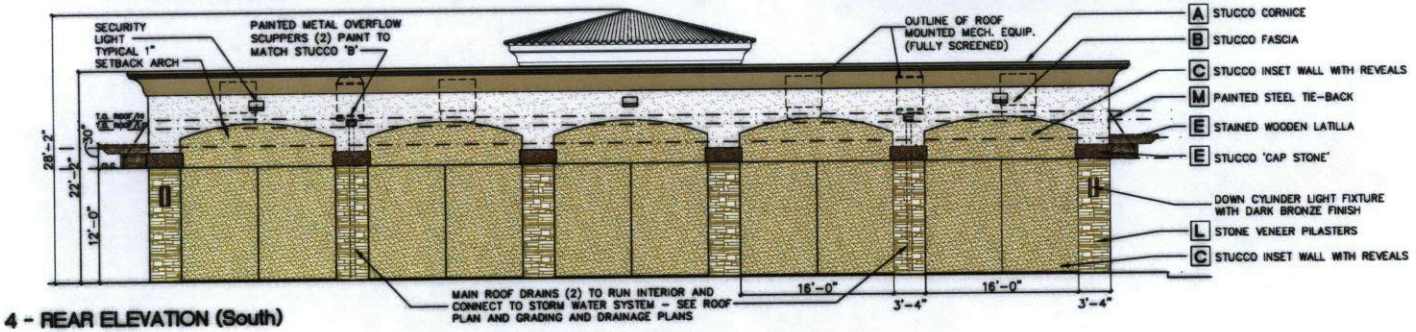
JOB NO. 18401
QUOTE NO. 10-0045
SHEET NO.

1 - FRONT ELEVATION (North)

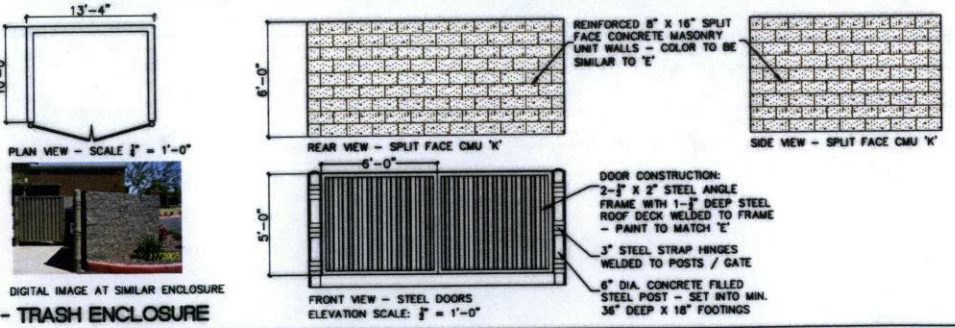


2 - SIDE ELEVATION (East)

3 - SIDE ELEVATION (West)

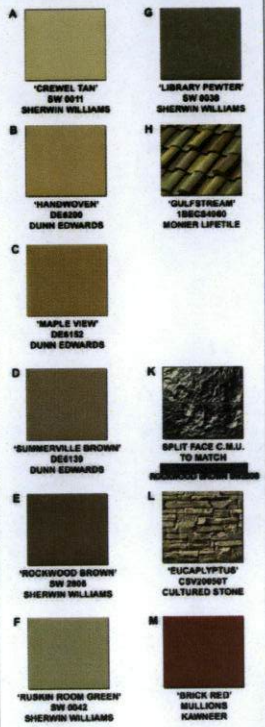


4 - REAR ELEVATION (South)



5 - TRASH ENCLOSURE

FINISH LEGEND



ISSUED TO: OWNER, CONTRACTOR, ENGINEER, BUILDING DEPT.

COMMERCIAL RENOVATION

CARIOCA/SHELL Convenience Store

AKF ENGINEERS

DESIGN 4 ARCHITECTURE

9055 East Lor
Scottsdale, Ar
ph. (602) 4
fx. (480) 3
robert@d

THE DESIGNS, DRAWINGS, INSTRUMENTS OF PROFESSIONAL SHALL REMAIN THE PROPE THESE DOCUMENTS ARE NO OR IN PART, FOR ANY O PURPOSES, OR BY ANY O THE WRITTEN AUTHORIZA DESIGN 4

DATE: 04.05.10
SCALE: 1/4"=1'-0"
DRAWN BY: B. Thiel
PROJECT No.:

EXTERIOR ELEVATION

Carioca
Peoria, AZ.

EXHIBIT F.1

Ed Boik

From: Allyson Andersen [redacted]
Sent: Saturday, August 28, 2010 9:51 PM
To: Ed Boik
Cc: [redacted]
Subject: Proposed Shell Gas Station in North Peoria

Dear Mr. Boik,

I have recently learned of a proposed Shell Gas Station near Lake Pleasant Parkway and Happy Valley Road. I support this new gas station and would appreciate your support as well.

I have been acquainted with the company's owners for over 15 years and have seen the great business results they are accustom to. I am happy the Rose family has decided to open a new business in our neighborhood. Since we have moved to North Peoria, it is evident that this area is in need of gas stations to service the various neighborhoods. The proposed location will be convenient for so many families in the area.

There are many empty buildings and undeveloped lots in this area. Unfortunately with the downturn in the economy we have not seen the growth that was expected. It is exciting that a much needed gas station could fill one of the already built areas.

Thank you for your time and I appreciate your support and approval of the Shell Gas Station which will bring more gas options as well as job to our area.

Respectfully,

Allyson Andersen

EXHIBIT F.2

JD CAMPBELL COMPANIES
9098 W. PINNACLE PEAK ROAD
PEORIA, AZ 85383
PHN: 623-972-6133 FAX: 623-566-8925
Email: [redacted]

April 22, 2010

Ed Boik
Planning Department
City of Peoria
9875 N. 85th Ave
Peoria AZ 85345

RE: Case Number CU10-0045, SP10-0058

Mr. Boik,

You showed me the plans that had been submitted for this case, when I came to your office, as I told you then, I do object to this case as the fuel pumps will be very close to my property, which is located immediately south of the parcel on which they have submitted the plan for the gas station.

I have had preliminary plans; in to the city, for a large restaurant just south of my north boundary which means it will be just south of the proposed gas station (the NW corner of 201-16-007G). Also the entrance to the subject gas station, is very poor if cars coming from the north (i.e. south bound traffic) on the west side of Lake Pleasant Parkway, wish to visit the gas station they would have to cut across north bound traffic on the east side of Lake Pleasant Parkway causing a hazard by doing so.

Also the size and configuration of the convenience store and gas pumps is not conducive to a well planned project, it is like trying to put a square peg into a round hole.

I am hereby registering my opposition to the proposed convenience store and gas station under the above referenced case numbers.

Respectively,

[redacted]

JD Campbell

JDC/ds

Cc: Cathy Carlat,
City Council Member

EXHIBIT C

PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
SEPTEMBER 16, 2010
DRAFT

A **Regular Meeting** of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at 8401 W. Monroe St., Peoria, AZ in open and public session at 6:30 p.m.

Members Present: Chair Veda McFarland, Commissioners Gene Sweeney, Bill Louis, and Leigh Strickman.

Members Absent: Vice Chair Marc Melbo, Commissioners Nancy Golden, and Greg Loper.

Others Present: Glen Van Nimwegen – Director Planning and Community Development, Ellen Van Riper - Assistant City Attorney, Chris Jacques – Planning Manager, Ed Boik – Planner, Gary Lopez – Associate Engineer, and Bev Parcels – Planning Assistant.

Opening Statement: Read by Chris Jacques, Planning Manager.

Call for speaker request forms.

Audience: Forty two.

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

CONSENT AGENDA

All items listed with a "**C**" are considered to be routine by the Planning and Zoning Commission, and were enacted by one motion.

1C **DISPOSITION OF ABSENCE:** Discussion and possible action to approve the absence of Commissioners Louis, Sweeney, and Melbo from the September 2, 2010 meeting.

2C **MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held September 2, 2010.

3C **CU10-0025:** Discussion and possible action to approve a request from TWD Drywall, Inc. for a Conditional Use Permit to allow a contractors storage yard, including outdoor storage of construction equipment & materials. The subject property is located on the southeast corner of 92nd Drive and Grand Avenue Frontage.

COMMISSION ACTION: Commissioner Louis moved to approve the Consent Agenda items. The motion was seconded by Commissioner Strickman and upon vote, carried unanimously.

EXHIBIT C

REGULAR AGENDA

NEW BUSINESS:

4R **PUBLIC HEARING – CU09-02268:** Equity Lifestyle Properties, LLC requested a Conditional Use Permit to allow a portion of Apollo Village Mobile Home Park, located at 10702 North 99th Avenue, to contain RV trailers. The subject property is generally located north of the northeast corner of 99th Avenue and Peoria Avenue.

STAFF REPORT: Planner Ed Boik presented a request from the applicant to continue the case until the October 7, 2010 Planning & Zoning Commission meeting.

COMMISSION COMMENT: None

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Strickman moved to recommend approval of a request from the applicant to continue case CU09-02268 until the October 7, 2010 Planning & Zoning meeting. The motion was seconded by Commissioner Sweeney and upon vote, carried unanimously 4-0.

→ **5R** **PUBLIC HEARING – CU10-0045:** Metro Land Consultants, LLC, on behalf of Carioca Shell, requested a Conditional Use Permit to allow a gas station south of the southeast corner of Lake Pleasant Parkway and Happy Valley Road within Mountainside Crossing.

STAFF REPORT: Presented by Ed Boik – Planner.

COMMISSION COMMENT: Questions were asked about the traffic concerns, and how the other tenants in the center felt about the gas station.

PUBLIC COMMENT:

Bill Lally, Applicant – Clarified the number of pumps being twelve total instead of twenty as stated in the report, that a private traffic study was done regarding the traffic flow in and out of the site, the pumps were moved to the north side of the site to address concerns of the neighboring land owner, and the hours of operation will be twenty four hours a day.

J.D. Campbell, Developer – Stated he owns the property to the south of the site and is concerned about the traffic flow in and out of site, does not think the site was ever intended for a gas station, and thinks the property owner is only considering locating a gas station on this site due to a poor economy. He is against having a gas station at this location.

COMMISSION ACTION: Commissioner Louis moved to recommend approval of case CU10-0045 with the clarification of the number of gas pumps being twelve instead of twenty. The motion was seconded by Commissioner Sweeney and upon vote, carried unanimously 4-0.

CALL TO THE PUBLIC: (Non-agenda Items): None

EXHIBIT D.1

Ed Boik

From: Scott Sheffield [redacted]
Sent: Monday, September 20, 2010 2:45 PM
To: Ed Boik
Cc: [redacted]
Attachments: image002.jpg

I live at 10142 W Lariat Lane and am thrilled to hear about a new gas station going in on Lake Pleasant Parkway and Happy Valley. I've seen what it is going to look like and it is going to look nice in that location. We need more business in that area of town and more competition. This is a much closer location than the Circle K and the Campbell's Country Store on Pinnacle Peak for my family to get to. Please register my support for this project.

SOUTHWEST SERVICE ADMINISTRATORS, INC.
Scott Sheffield
President and CEO
2400 W. Dunlap Ave., Ste. 250
Phoenix, AZ 85021
602-249-3582 x1176

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EXHIBIT D.2

Ed Boik

From: Erin Trimble [redacted]
Sent: Saturday, September 18, 2010 3:42 PM
To: Ed Boik
Subject: gas station

Dear Mr. Boik,

We live in Peoria near where a new Shell gas station is being planned. We are excited to hear that it is coming since it's much needed in that area! The intersection of Happy Valley and Lake Pleasant is a perfect location for this gas station and it will be convenient for us to frequent. There was a lot of commercial planned at that corner and we am excited to see that businesses are still moving in. North Peoria needs more gas options and more jobs. Please approve what needs to be approved to make this business come to fruition!

Sincerely,
Brian & Erin Trimble

EXHIBIT D.3

Ed Boik

From: David Despain [redacted]
Sent: Wednesday, September 15, 2010 4:29 PM
To: Ed Boik
Subject: Shell Gas Station

Please accept this email as a sign of my support for a new Shell gas station on the Southwest corner of Happy Valley and Lake Pleasant Pkwy. The area is lacking in gas stations and would be beneficial to the residents in this part of Peoria. Thank you.

David Despain
Resident of Peoria

EXHIBIT D.4

Ed Boik

From: Eric S. Young, CPA [redacted]
Sent: Tuesday, September 14, 2010 6:17 PM
To: Ed Boik
Cc: Mark Rose
Subject: Shell Gas Station at Lake Pleasant & Happy Valley Rd

Dear Mr. Boik:

I live in Peoria near where a new Shell gas station is planned and I am excited to hear that it is coming. The intersection of Happy Valley and Lake Pleasant is the right location for this and it will be convenient for me to get to. There was a lot of commercial planned at that corner and I am excited to see that businesses are still moving in. North Peoria needs more gas options and more jobs.

Thank you for supporting the project.

Eric Young

EXHIBIT D.5

Ed Boik

From: Heather Updike [redacted]
Sent: Tuesday, September 14, 2010 10:40 AM
To: Ed Boik
Subject: Purposed gas station

Hello Mr. Boik,

I am sending you this letter in regards to the gas station that is being purposed in the shopping center on the Southeast corner of Happy Valley Rd and Lake Pleasant Pkwy. I am a Peoria resident and business owner. I travel all over Arizona teaching women and children assault prevention and preparedness skills, and once a month women will travel from their various cities to Peoria for our offered classes. Because I live in Pleasant valley in North Peoria, the options for fuel are limited. A gas station at the purposed location would be not only convenient but necessary for people like me who need to fuel often and many times at the last minute. I am very much in support of the building of this new gas station.

Sincerely,
Heather Updike
B.R.A.T Training LLC

EXHIBIT D.6

Ed Boik

From: [redacted]
Sent: Tuesday, September 14, 2010 7:46 AM
To: Ed Boik
Subject: Shell gas station nw peoria

Dear Mr. Boik,

Please register my support for CU10-0045 for the new Peoria Shell station. Great looking building and great location.

We are excited to have a gas station closer to our home. Please help in making this possible for all the residents in our area. With only circle k and campbells mercantile close, we are in need of closer fuel pumps.

Sincerely,

Jim and Sarah updike

[redacted]
Peora, az. 85383
Sent via BlackBerry from T-Mobile

EXHIBIT D.7

Ed Boik

From: john.mitzi [redacted]
Sent: Tuesday, September 14, 2010 7:40 AM
To: Ed Boik
Subject: Gas Station

Please allow Mr Rose to build his gas station at Happy Valley and Lake Pleasant.

EXHIBIT D.8

Ed Boik

From: Todd Pierson [redacted]
Sent: Tuesday, September 14, 2010 9:50 AM
To: Ed Boik
Cc: [redacted]
Subject: proposed gas station at Lake Pleasant Parkway & Happy Valley Rd.

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Boik:

Please register my support for CU10-0045 for the new Peoria Shell station.

I am a resident in the area and I support this proposal. I think that this corner would be an appropriate location for a new gas station.

Sincerely,

Todd Pierson

[redacted]

Peoria, AZ
85382

EXHIBIT D.9

Ed Boik

From: Craig Peugnet[redacted]
Sent: Tuesday, September 14, 2010 9:56 AM
To: Ed Boik
Cc: Brett Jarman; [redacted]
Subject: Gas station on Lake Pleasant Rd & Happy Valley

Follow Up Flag: Follow up
Flag Status: Flagged

It has come to my attention that someone may be blocking the development of a gas station (Shell, I think) near LP & Happy Valley roads. I want to go on record as a resident living north of that location as supporting the station development. We have to drive much further down the road for gas and there is simply no need to block that new station, except in placating people like JD Campbell.

Kind Regards,

Craig Peugnet
President, Integrated Process & Design Solutions
craig@IPDSconsulting.com
480 229 1556 cell/business

EXHIBIT D.10

Ed Boik

From: Chrystalyn Trimble [redacted]
Sent: Monday, September 13, 2010 11:13 PM
To: Ed Boik
Subject: Shell Station on Happy Valley and Lake Pleasant

Dear Mr. Boik,

I have recently been made aware of a proposed Shell Gas Station that is proposed near the corner of Happy Valley Road and Lake Pleasant Parkway. I am a resident in the area and I support this proposal. It is my understanding that the gas station does not need a rezoning, but that the City of Peoria is requiring them to get a Conditional Use Permit. I think that this corner would be an appropriate location for a new gas station. The existing shopping center is half built out and this should fit in well.

Sincerely,

Chrystalyn Trimble

EXHIBIT D.11

Ed Boik

From: Ren Knight [redacted]
Sent: Monday, September 13, 2010 7:55 AM
To: Ed Boik
Cc: [redacted]
Subject: The new Shell Station off Happy Valley rd & Lake Pleasant PKWY

Mr Ed Boik
I completely support Mark Rose and his plan in building a new Shell Station off Happy Valley and Lake Pleasant this would be a great convenience for our community.

EXHIBIT D.12

Ed Boik

From: Janell Mitchell [redacted]
Sent: Monday, September 13, 2010 5:11 PM
To: Ed Boik
Cc: [redacted]
Attachments: image001.jpg

Ed,

I'm writing in support of the Shell gas station waiting to be cleared to build located on the southeast corner of Lake Pleasant and Happy Valley Road. I would hope that you would encourage new growth in the city of Peoria rather than allow a private citizen to influence you.

[redacted]
Peoria, AZ 85383

Thank you for your time.

Janell Mitchell
[redacted]
www.thetinysoldier.com

EXHIBIT D.13

Ed Boik

From: Brett Jarman [redacted]
Sent: Monday, September 13, 2010 10:58 PM
To: Ed Boik
Cc: [redacted]
Subject: Proposed Shell Gas Station

Dear Mr. Boik,

I have recently been made aware of a proposed Shell Gas Station that is planned for near the corner of Happy Valley Road and Lake Pleasant Parkway. I am a resident in the area and I support this proposal. It is not realistic that in a market like this we only have one choice to purchase gas. JD Campbell's station at 91st ave and Pinnacle Peak is always about $.10 more than the Circle K at Lake Pleasant and Pinnacle Peak so it really isn't a second choice. He gauged us for years when he was the only choice. We NEED another gas station. It is my understanding that the gas station does not need a rezoning, but that the City of Peoria is requiring them to get a Conditional Use Permit. I think that this corner would be an appropriate location for a new gas station. The existing shopping center is more than half built out and this should fit in well.

There are far too many of us in this area that want to see the developments finish and create jobs and a better local economy. I for one am tired of watching JD Campbell throw his weight around and hurt the development of our neighborhood. This new gas station is a good move for our area. Please push this thru asap!

Thank you,

Brett Jarman
[redacted]
Peoria AZ 85383
[redacted]

EXHIBIT D.14

Ed Boik

From: Matt Bullock [mattb@novamesa.com]
Sent: Monday, September 13, 2010 5:22 PM
To: Ed Boik
Subject: Proposed Shell gas station at Happy Valley Rd and Lake Pleasant Pkwy

I had previously sent an email of support, but forgot to put my home address on the email to show that I do live right down the street from the proposed Shell gas station. The text of my email was:

I would like to voice my support for the proposed Shell gas station at Lake Pleasant Parkway and Happy Valley Road. Having lived in that area of Peoria since 2001, I appreciate the additional services that the Shell gas station would provide. We only have one gas station is the area, requiring us to drive down to Pinnacle Peak to the Circle K. Since most of us in the area now take Happy Valley Road east, this would help boost business in that center which definitely needs it (my daughter also attends the dance school in that center and understand that the current tenants could use the increased exposure this new Shell station would provide). Thank you for your time.

Home address: [redacted]
Peoria, AZ 85383

Thanks!

--
Matt Bullock
VP Sales & Marketing
Nova Mesa Computer Systems
623-580-6848
1-877-388-NOVA
mattb@novamesa.com

EXHIBIT D.15

Ed Boik

From: Jeffrey Updike [redacted]
Sent: Friday, September 10, 2010 9:49 AM
To: Ed Boik
Subject: Proposed Shell Gas Station - Peoria
Attachments: image001.jpg; image002.jpg

Dear Mr. Boik,

I was recently made aware of a proposed Shell Gas Station that is slated near the corner of Happy Valley Road and Lake Pleasant Parkway in Peoria, AZ. I am a local resident in that area and wanted to let you know that I support this proposal. I certainly think that this corner would be an appropriate location for new gas station, and look forward to the convenience it would afford to the local community and my family.

Jeff Updike, President
UPDIKE DISTRIBUTION LOGISTICS, LLC
4411 W. Roosevelt St.
Phoenix, AZ 85043
Office: 602-682-1796
Cell: 623-606-0100
Email: jupdike@vastds.com

EXHIBIT D.16

Ed Boik

From: Cory Farley [redacted]
Sent: Thursday, September 09, 2010 11:05 AM
To: Ed Boik
Cc: mrose@rccfoods.com
Subject: Peoria Shell Station

Mr. Boik:
Please register my support for CU10-0045 for the new Peoria Shell station. It is a great looking building and a great location.
Very truly yours,
Cory D. Farley

Home Address:
[redacted]
Peoria, AZ 85383

Cory D. Farley
FARLEY & HOLMES, PLLC
Attorneys at Law
9401 W. Thunderbird Road, Suite 145
Peoria, Arizona 85381
(623) 776-1500 (telephone)
(623) 776-1530 (facsimile)
cory@farleyholmes.com

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EXHIBIT D.17

Ed Boik

From: Christy Colyar [redacted]
Sent: Thursday, September 09, 2010 4:17 PM
To: Ed Boik
Subject: Shell Gas Station

Dear Mr Boik,

I am in support of the new proposed Shell Gas Station on the corner of Happy Valey and Lake Pleasant Parkway. North Peoria NEEDS another gas station that is convenient for residents in this area.

From: DeNitto, Michael [redacted]
Sent: Monday, October 11, 2010 2:32 PM
To: Ed Boik
Cc: [redacted]; Czyz, Christopher
Subject: RE: Shell Gas Station - Happy Valley / Lake Pleasant - Mountainside Crossing - Peoria, AZ

Ed,

Thank you for the site plan. For the record, I am not opposed to the use but I am strongly opposed to the proposed site plan. This site plan currently shows 12 fuel pumps with ingress and egress to/from these pumps onto the main drive along Lake Pleasant Parkway for the all overall Shopping Center. This development is approximately 20 acres with significant traffic entering and exiting on Lake Pleasant Parkway, which is the dominant arterial for this shopping center based upon 2009 City of Peoria Traffic Counts. This situation creates queuing issues at the main driveway for the overall center along Lake Pleasant Parkway, a traffic conflict with the already approved drive isles for CVS/ Pharmacy as well as is materially detrimental to the safety and welfare of pedestrians and motorists within the Shopping Center. I am concerned that the City of Peoria as well as the Gas Station User would consider such a configuration due to the traffic conflicts that this site plan creates for the overall Shopping Center. I would propose additional landscape separation between the main drive isle of the shopping center and the fuel pumps to allow traffic to enter and exit to/from the fuel station onto the main driveway through only one or two 24' drive isles or possibly orient the building and fuel canopy east/west along Lake Pleasant Parkway to further alleviate these traffic conflicts.

Thank You

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JD CAMPBELL IN OPPOSITION
To Conditional Use Permit
For Carioca Shell

October 11, 2010

To the City of Peoria Manager and City of Peoria Council:

RE: C.U. 10-0045 Carioca Shell--Conditional Use Permit C.U.

As a citizen that has lived is the same area of north Peoria for 40 years, a tax payer, landowner, subdivider and business person in this area of Peoria; I submit to you the following.

I oppose the granting of the C.U. for many reasons some of which I list here.

There will be an additional 1,000 plus vehicles per day that will go to this gas station which will block people wanting to go to other businesses in Mountainside Crossing Development, besides causing congestion directly at the gas station its-self.

There is only a right-in and right-out on the exits/entrances to the development from Lake Pleasant Parkway. All traffic coming into Mountainside Crossing Development will go on to the only ONE east/west street from Lake Pleasant Parkway that runs in front of the gas pumps and to the rest of Mountainside Crossing.

This will create problems especially for those vehicles towing a boat or R.V. and construction vehicles towing a trailer, this in its-self is something that will cause a problem with vehicles wanting to exit or enter the Development.

Please visualize several vehicles with a boat or something else in tow, trying to get in and out of the Development and the gas pumps, remembering that they will need to turn around; either before or after they get gas.

<u>This is a recipe for Congestion and Disaster</u>!

Should some of the vehicles wish to go south, they would have to go through the Development and cross Happy Valley Road , east of Lake Pleasant Parkway or go north of the intersection and make a "U" turn. Neither of which is good.

Gas stations belong on corners where they can get customers from any direction as well as exit and travel in any direction, certainly not with a right-in and right-out, where a median keeps them going in one and only one direction.

In addition, Mountainside Crossing never planned on a gas station going into the Development. This gas station is an after thought and if it becomes successful, it will add more to the problem for the City of Peoria and of people using the gas station, as well as other facilities of Mountainside Crossing.

The applicant and the staff of Planning and Zoning say all concerns of adjoining property owners have been looked at and mitigated. **This is not true**.

They also say the gas station would not adversely impact the traffic flow in the Mountainside Crossing Development. **This is not true.**

They further say this gas station will provide a much needed service for Peoria. **This is not true**.

To emphasize that it will not be a much needed service for Peoria, there are six gas stations within easy reach of the proposed C.U. development-- Lake Pleasant Parkway and Pinnacle Peak Road, Lake Pleasant Parkway and Deer Valley Road, 91st Ave and Pinnacle Peak Road and three stations at 83rd Ave and Deer Valley Road.

The volume of traffic patterns in this area will change significantly and it will have a detrimental impact on others.

Further, it (the gas station) will impact what I do with the 18 acres I own adjoining it to the south.

I urge you to vote NO on this issue. Thank you.