

# ATTACHMENT C



## City of Phoenix

### Staff Report: PHO-1-20—Z-242-81-6

**APPLICATION:** PHO-1-20—Z-242-81-6

**APPLICANT:** Wendy Riddell, Berry Riddell LLC

**REPRESENTATIVE:** Wendy Riddell, Berry Riddell LLC

**OWNER:** Levine Investments Limited Partnership

**LOCATION:** Northwest corner of 32nd Street and Turney Avenue

**REQUEST:**

- 1) Modification of Stipulation 1 regarding site plan approval.
- 2) Modification of Stipulation 2 limiting height to one story.

### **STAFF RECOMMENDATION**

It is recommended that this request be approved with modifications as recommended by the Planning Hearing Officer.

### **PLANNING HEARING OFFICER RECOMMENDATION**

The Planning Hearing Officer heard this case on August 19, 2020 and recommended approval with modifications.

### **VILLAGE PLANNING COMMITTEE RECOMMENDATION**

The Camelback East Village Planning Committee heard this case on August 4, 2020 and recommended approval by an 18-0 vote.

### **BACKGROUND/ANALYSIS**

The subject property is located at the northwest corner of 32nd Street and Turney Avenue and is approximately 1.40 gross acres. The property is zoned C-O (Commercial Office District – Restricted Commercial) and is utilized as parking for the medical offices to the north. The applicant proposes to develop an office building and parking garage on the property.

The applicant requested modification of Stipulations 1 and 2, regarding site plan approval and limitation of height to one story. The applicant proposed general conformance to a conceptual site plan depicting an approximately 5,000-square foot, 26-foot tall office building and a 15-foot tall two-level parking garage. Access will be provided from driveways on the parcel to the north. Stipulation 3 requires a 1-foot non-vehicular access

easement on Turney Avenue. There are no requested modifications to this stipulation and no access is proposed on Turney Avenue.

The proposed office building massing will be concentrated along 32nd Street and away from the single-family residences to the west. The site plan also depicts a 15-foot landscape setback on the west side of the site, which will replace an existing 11-foot high parking canopy and dumpster. This landscape setback will provide additional buffering between the single-family residential and the parking garage. The applicant stated that two stories in height is appropriate at this location and represents a better design than what was previously approved.

### **PREVIOUS HISTORY**

The initial application in Rezoning Case No. Z-242-81-6 requested to rezone approximately 6.41 acres at the northwest corner of 32nd Street and Turney Avenue. Staff recommended denial of the request because the proposal would represent a commercial intrusion into a stable residential neighborhood and any additional employment should be located in the Village Core. Additionally, staff felt the request would encourage similar requests along 32nd Street. Neighborhood concerns raised during the hearing process included concerns that the request was contrary to the Village Core plan and potential traffic and noise. During the hearing process, the applicant reduced the acreage of the application from approximately 6.41 acres to 1.41 acres.

On March 8, 1982, the City Council approved the request to rezone the site from R1-6 (Single-Family Residence District) to C-O, subject to stipulations. The applicant stated that the request would contribute to commercial development on 32nd Street without detracting from the adjoining residential neighborhood or depreciating property values. An approximately 50-year old, two story building on the property was removed to accommodate the proposal. The property was redeveloped with two office buildings and associated parking.

In 1983, the adjacent parcel to the north was rezoned to C-O in Rezoning Case No. Z-220-83-6 and subsequently developed with office buildings which remain on the site today. By 1991, the office buildings on the subject property in this request were demolished. By 1996, the site was redeveloped with shaded parking to support the offices to the north.

### **NEIGHBORHOOD CONCERNS**

#### **Correspondence**

Four letters of opposition were received regarding this request. Concerns included the following:

- Completion of a traffic study (one letter)
- Ingress and egress from the site (one letter)
- Building and parking structure height (three letters)
- Lack of privacy (one letter)
- Negative impact on the surrounding neighborhood's aesthetic (one letter)
- Negative impact on property values (two letters)

- Recommend changing the location of the parking garage, potentially between the two existing medical offices on the parcel to the north (one letter)
- Recommend reducing the height of the parking garage, potentially building this structure partially underground (one letter)
- Recommend increased setbacks and enhanced landscaping (one letter)

### **GENERAL PLAN DESIGNATION**

Residential 3.5 to 5 dwelling units per acre.

### **CHARACTER OF SURROUNDING LAND USE**

	Zoning	Land Use
On-site:	C-O	Parking for the adjacent office buildings to the north
North:	C-O	Offices
South (Across Turney Avenue):	R1-6	Single-family residential
East (Across 32nd Street):	R1-6	Single-family residential
West:	R1-6	Single-family residential

### **PLANNING HEARING OFFICER FINDINGS**

The Planning Hearing Officer's recommendation was based on the following findings:

- 1) The subject property was rezoned to C-O (Commercial Office) in 1981. Subsequently, the site was developed with single-story offices which remained on the property until approximately 1991. In approximately 1996, the site was redeveloped as a parking area for the commercial offices adjacent to the north and covered parking canopies were installed which remain today. The current proposal includes the development of a two-level parking garage at a maximum height of 15 feet on the majority of the parcel and an approximately 5,000-square foot office building along 32nd Street with a maximum height of 26 feet. The proposed development is compatible with the land use pattern in the surrounding area which includes multi-story office, single-family, and multifamily developments. There are no proposed changes regarding access to the site and an existing stipulation prohibiting access from Turney Avenue will be retained. Stipulation 1 requires only site plan approval by the City. The applicant is proposing general conformance to the conceptual site plan which will establish a mechanism for a public hearing if significant changes are proposed to the stipulated plans. Approval of this request is recommended with minor modifications to incorporate standard language regarding general conformance.

- 2) Stipulation 2 limits buildings to one-story. This stipulation does not quantify the specific building height and could hypothetically permit a one-story building up to a maximum height of 56 feet. The proposed office building is located along the 32nd Street frontage, an arterial street, and is set back at a significant distance from residences to the west. The proposed two-level parking garage has a maximum height of approximately 14 feet which is compatible with the scale of existing residences in the surrounding area. The applicant's requested modification to limit building height to 28 feet is more restrictive than the existing stipulation, the permitted height in the base zoning district, and the height of some existing development in the surrounding area. The proposed building height will also be subject to the general conformance requirement described above in Finding No. 1 which identifies the significantly lower parking garage height. Approval of the request is recommended with a modification to remove the reference to building stories.

### **PLANNING HEARING OFFICER RECOMMENDED STIPULATIONS**

1.	<del>Site plan approval.</del>
	THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED JULY 2, 2020, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
2.	<del>One-story height limitation.</del>
	THE MAXIMUM BUILDING HEIGHT SHALL BE 28 FEET.
3.	1' vehicular non-access easement on Turney.
Rights of Way	
4.	Sufficient right-of-way to be dedicated by the property owner within one year of the final City Council action to provide for the following:
a.	A 20' alley on the north side of the property.

### **EXHIBITS**

- A – Appeal Documents (2 pages)
- B – Applicant's Narrative (6 pages)
- C – Aerial Map (1 page)
- D – Zoning Map (1 page)
- E – Approval Letter for Rezoning Case No. Z-242-81-6 (1 page)
- F – Sketch Map from Rezoning Case No. Z-242-81-6 (1 page)
- G – Proposed Site Plan date stamped July 2, 2020 (1 page)



- H – Proposed Elevations date stamped July 2, 2020 (3 pages)
- I – PHO Summary for PHO-1-20—Z-242-81-6 (6 pages)
- J – Correspondence regarding PHO-1-20—Z-242-81-6 (8 pages)

# **EXHIBIT A**

<b>PLANNING HEARING OFFICER APPEAL</b> I HEREBY REQUEST THAT THE <b>PLANNING COMMISSION/CITY COUNCIL</b> HOLD A PUBLIC HEARING ON: <b>October 1, 2020</b>			
<b>CASE NUMBER:</b>	PHO-1-20—Z-242-81-6		
<b>LOCATION:</b>	Northwest corner of 32nd Street and Turney Avenue		
<b>PHO HEARING DATE:</b>	8/19/20	<b>RECEIVED:</b>	8/25/20
<b>APPEALED BY:</b>	<input checked="" type="checkbox"/> Opposition	<input type="checkbox"/> Applicant	
<b>APPEALED TO:</b>	<b>PLANNING COMMISSION</b>	10/1/2020	
		<b>TENTATIVE DATE</b>	
	<b>CITY COUNCIL</b>	11/4/20	
		<b>TENTATIVE DATE</b>	
<b>APPELLANT NAME AND ADDRESS:</b>		<b>PHONE:</b>	
Bobby Berland 3135 East Turney Avenue Phoenix, AZ 85016		602-315-0680	
<b>RECEIPT NUMBER:</b>	N/A		
<b>REASON FOR REQUEST:</b>			
The stipulation that was attached to this zoning case in the early 1980's to limit the height of the building on the southern portion of the property, the portion of the property closest to residences, was clearly important to the rezoning. Undoubtedly, this was a concession from the rezoning applicant at that time, that the building would be kept to one story. Now the applicant seeks to take away what was conceded as a condition of securing the prior zoning. And they do not provide any real reason for this either, except for their own convenience. It is very important that zoning applicants not be permitted to offer a concession to secure zoning and then subsequently remove it, against the wishes of those property owners closest to the affected area.			
<b>TAKEN BY:</b>	Eric Morales, Planner II		

c: Alan Stephenson  
 Joshua Bednarek  
 Tricia Gomes  
 Racelle Escolar  
 Danielle Jordan  
 Victoria Cipolla-Murillo  
 Adam Stranieri  
 Julianna Pierre  
 Ben Ernyei - Posting  
 GIS Team



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**CITY OF PHOENIX**

**AUG 25 2020**

Planning & Development  
Department

The PLANNING HEARING OFFICER agenda for August 19, 2020 is attached.

The City Council May Ratify the Recommendation of the Planning Hearing Officer on September 16, 2020 Without Further Hearing Unless:

- A REQUEST FOR A HEARING BY THE PLANNING COMMISSION is filed by 5:00 p.m. on August 26, 2020. (There is a \$630 fee for hearings requested by the applicant.)

Any member of the public may, within seven (7) days after the Planning Hearing Officer's action, request a hearing by the Planning Commission on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m. on August 26, 2020.

**APPEAL FORM**

I HEREBY REQUEST THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING ON:

PHO-1-20-Z-242-81-6

Northwest corner of 32<sup>nd</sup> St. and Turney Ave.

APPLICATION NO.

LOCATION OF APPLICATION PROPERTY

Bobby Berland  
NAME (PLEASE PRINT)

☒ OPPOSITION

☐ APPLICANT

3135 E. Turney Ave.  
STREET ADDRESS

Phoenix, AZ 85016  
CITY, STATE AND ZIP CODE

602-315-0680  
TELEPHONE NO

BY MY SIGNATURE BELOW, I ACKNOWLEDGE THE SCHEDULED HEARING DATE AS FOLLOWS:

APPEALED FROM August 19, 2020 DATE PHO HEARING TO 10/1/2020 DATE PC HEARING

SIGNATURE:

BOBBY BERLAND

DATE: 8/24/20

**REASON FOR APPEAL:** The stipulation that was attached to this zoning case in the early 1980's to limit the height of the building on the southern portion of the property, the portion of the property closest to residences, was clearly important to the rezoning. Undoubtedly, this was a concession from the rezoning applicant at that time, that the building would be kept to one story. Now the applicant seeks to take away what was conceded as a condition of securing the prior zoning. And they do not provide any real reason for this either, except for their own convenience. It is very important that zoning applicants not be permitted to offer a concession to secure zoning and then subsequently remove it, against the wishes of those property owners closest to the affected area.

APPEALS MUST BE FILED IN PERSON AT THE 2ND FLOOR ZONING COUNTER, 200 W. WASHINGTON STREET, 602-262-7131, Option 6

PLANNER TAKING APPEAL: EM

Copies to:

Case File

PHO Planner – Julianna Pierre

PHO Secretary – Stephanie Vasquez

# **EXHIBIT B**



July 17, 2020

**Via Hand-delivery, to:**

City of Phoenix  
Attn: Planning Hearing Officer  
200 W Washington Street, 2<sup>nd</sup> Floor  
Phoenix, Arizona 85003

***Re: Request to Modify Stipulations / SWC 32<sup>nd</sup> Street & Campbell Avenue***

Dear Planning Hearing Officer:

The purpose of this correspondence is to seek modifications to the stipulations of two related zoning cases for a property located at the southwest corner of 32<sup>nd</sup> Street and Campbell Avenue (the "Site"). We represent Levine Investments Limited Partnership, who have recently acquired the Site and intend to make much-needed improvements to enhance the building design, overall circulation and ease of accessibility, which necessitate stipulation modifications to both zoning cases. The Site, which consists of parcels 163-03-127C; 127D; and -129, is located within the Camelback East Village and is shown in the aerial below.





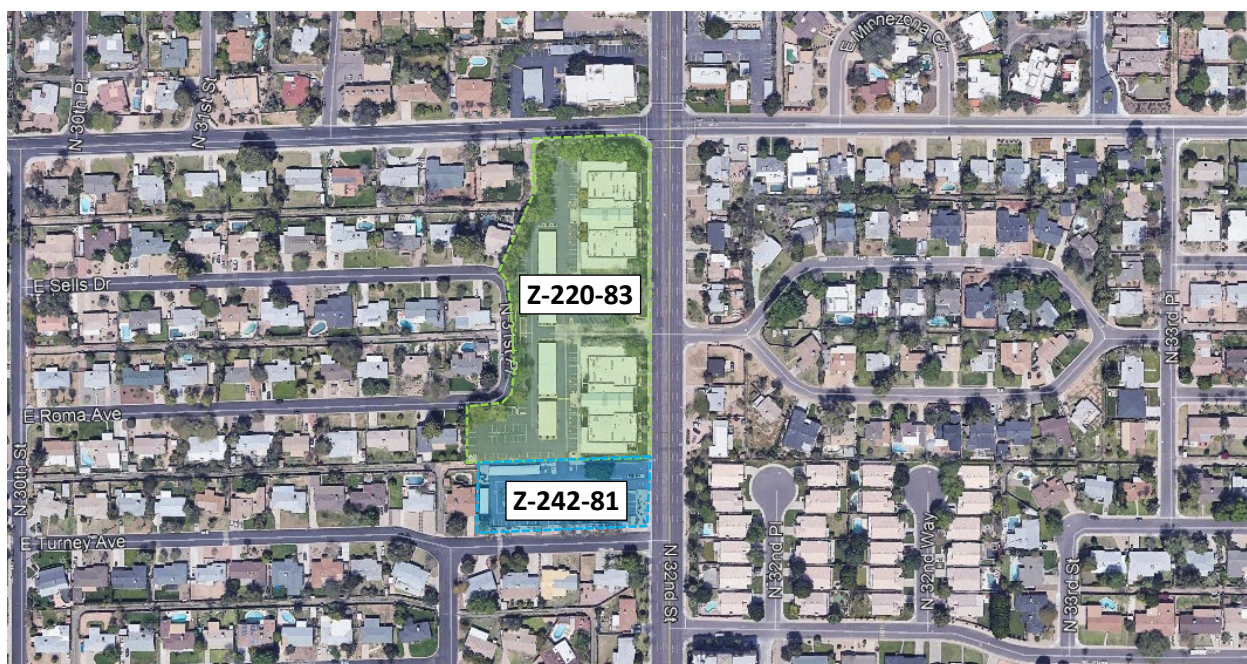
### **Levine Investments Limited Partnership**

Levine Investments is a well-known real estate company based out of Phoenix that holds a diverse portfolio of iconic Sites throughout the Valley including Uptown Plaza, Buck & Rider, Scottsdale Highlands, and Flower Child Scottsdale. Their experience both with new developments as well as revitalization of aging properties makes them perfectly positioned to re-envision this Site.



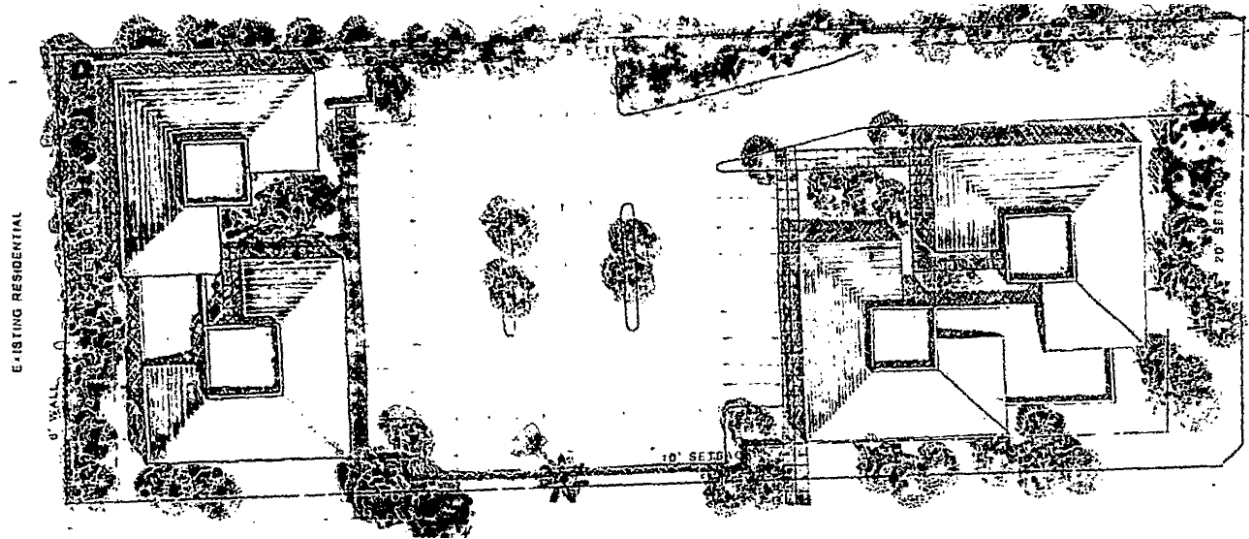
### **Zoning History and Site Context**

Although the three parcels function as one development, two related zoning cases apply to the Site. In 1981 an application was filed to rezone the entire Site from R1-6 to C-O. However, the application was amended before approval to include only the parcels outlined in blue below, to respond to input from the community.

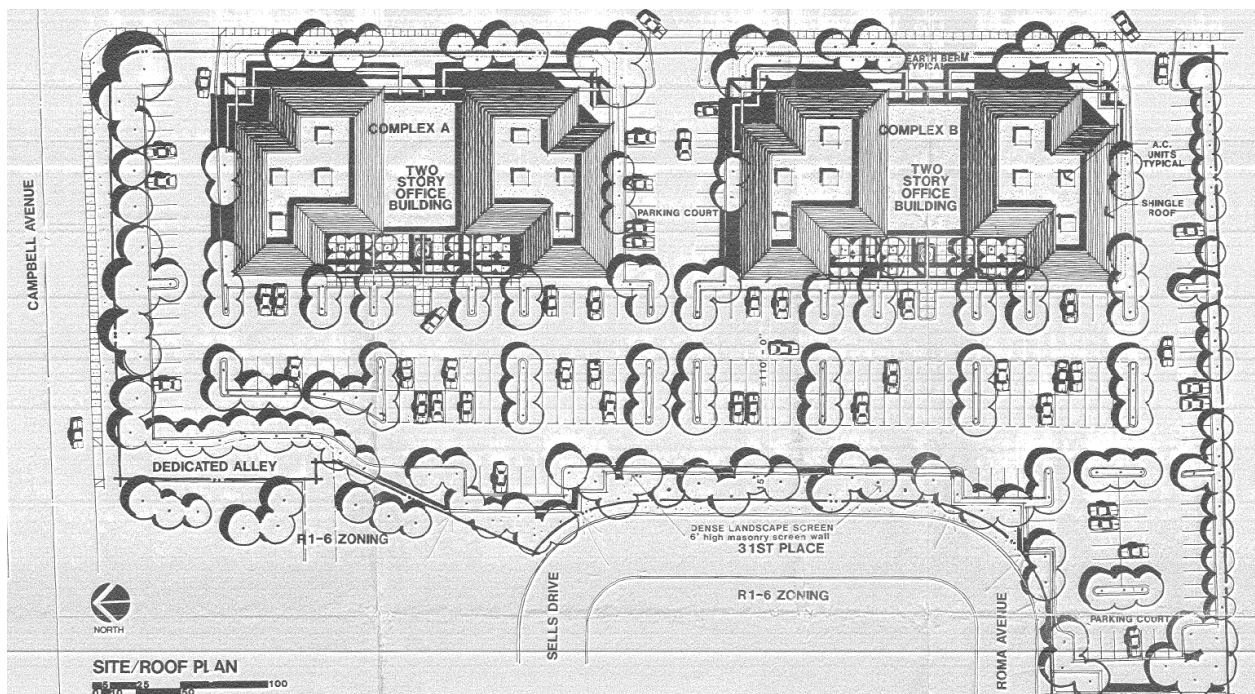


The approval of Z-242-81 was subject to site plan approval, a one-story height limitation, and a 1-foot vehicular non-access easement on Turney Avenue. Below is the site plan for the

garden-style offices that were presented through this process, although this site currently only contains parking to support the existing office buildings.



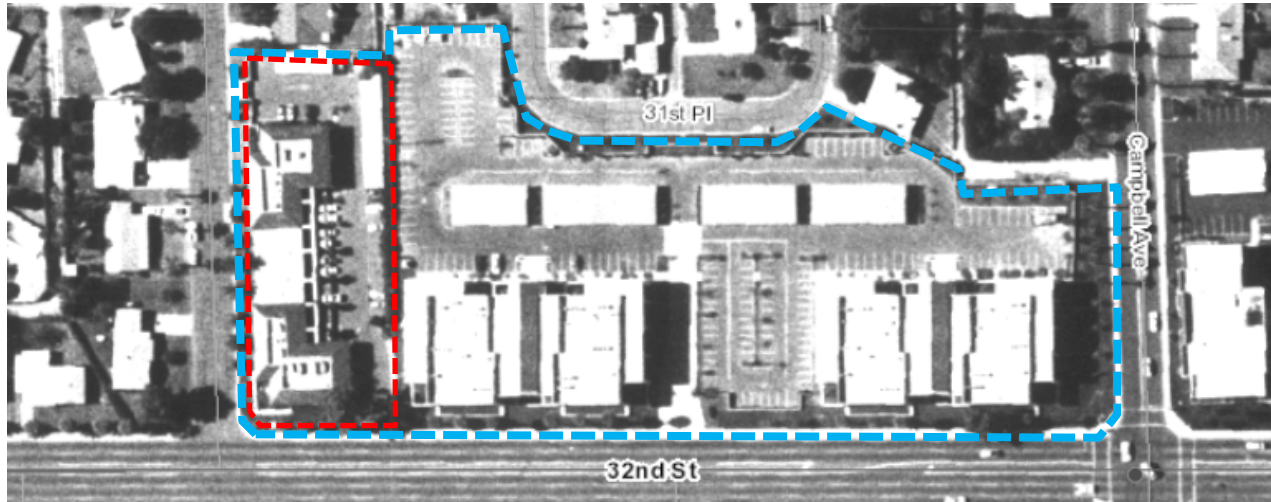
In 1983 an application was approved to rezone the remainder of the Site, shown on the previous page in green, from R1-6 to C-O for the development of the two-story offices shown below. This plan is generally consistent with what exists onsite today.



This plan was subject to a number of stipulations that were later modified through the Planning Hearing Officer process and now include a limitation on height to two stories and 32 feet, a west building setback of 125 feet, enhanced landscaping, a six-foot masonry wall along the western property line, and other requirements. In the mid-1980's, the Site was developed with



office buildings in a layout that is generally consistent with the site plans showed through the two zoning cases. An aerial of the Site in 1986 is shown below.

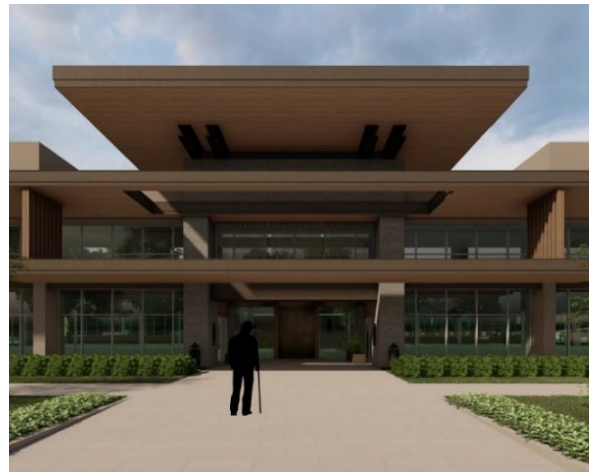


However, by 1991 the office building on the southern two parcels, outlined above in red, was demolished and later replaced with parking to support the two-story medical office buildings. The current request will allow for a medical office building to be reconstructed on these parcels, but in a configuration that concentrates the building massing along 32<sup>nd</sup> Street and away from the single-family residences to the west, thereby screening the parking and creating a more compatible design. Additionally, the building façade and landscaping will be redesigned to reflect a more modern aesthetic, as shown below. The improvements described herein require some modifications to the existing stipulations, as outlined below. These requests will allow the Site to be redesigned with more efficient circulation, a modernized façade, and a layout that is compatible with the surrounding developments.

#### Current Design



#### Proposed Improvements



#### Stipulations

##### Z-242-81

~~1. Site plan approval.~~ APPROVAL IS SUBJECT TO GENERAL CONFORMANCE TO SITE PLAN DATE STAMPED XX/X/XXXX.

**Rationale:** This stipulation is outdated and this requested change will update it to typical language.

~~2. One-story height limitation. BUILDING HEIGHT SHALL BE LIMITED TO TWO STORIES AND 28 FEET.~~

**Rationale:** Unlike the previous design, which oriented the buildings close to the adjacent residences, this design concentrates the building massing closer to 32rd Street, where two stories in height is appropriate. All of the surrounding zoning districts permit development up to 30 feet in height. This request represents a better design than what was previously approved and is an appropriate transition from the existing two-story medical office buildings on Site to the adjacent residential developments in the vicinity, which vary from one to two stories.

3. 1' vehicular non-access easement on Turney.

#### Rights-of-Way

Sufficeint right-of-way to be dedicated by the property owner within one year of the final City Council action to provide for the following:

1. A 20' alley on the north side of the property.

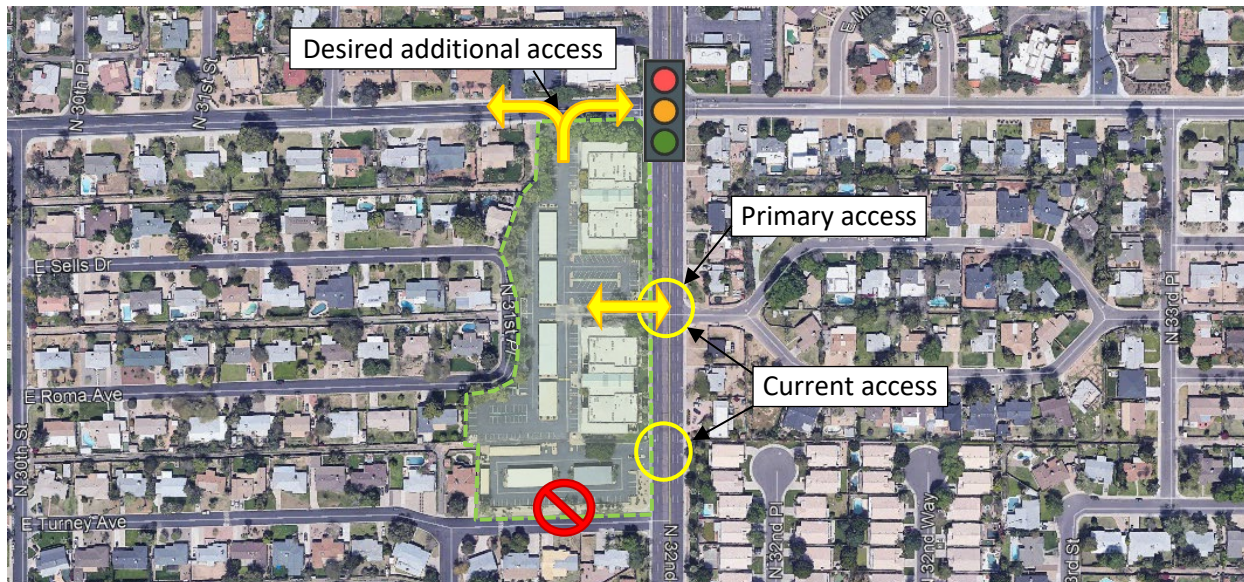
#### **Z-220-83**

1. The development shall be in general conformance with the site plan dated March 16, 1984, as modified by the following stipulations and approved by the Planning and Development Department.
2. A minimum building setback of 30 feet shall be required along the north property line adjacent to Campbell Avenue, as approved by the Planning and Development Department.
3. Buildings shall be a maximum of two stories or thirty-two feet.
4. There shall be no building constructed within 125 feet of the west property line as measured from 31<sup>st</sup> Place.
5. A 6-foot block wall of masonry stucco shall be placed along the entire west property line.
6. Landscaping shall be placed on the west side of the above-described six-foot wall along the front of Lots 16, 17, 57, 58, 59 and the former Roma Avenue.
7. Landscaping will be provided on the east side of the above-described wall for its entire length.
8. The wall will be constructed, stuccoed, painted, and landscaped prior to demolition, or commencement of construction on site.
9. All parking by construction personnel will be on the property.
- ~~10. Ingress and egress will be limited to 32<sup>nd</sup> Street, and applicant will donate nonvehicular access easements on the north and west property lines.~~

**Rationale:** Currently, the only egress from the Site is along 32nd Street and visitors must cross two lanes of an arterial street not protected by a turn signal. The requested access will allow visitors to make a right turn out of the Site onto Campbell Ave and then turn onto 32nd Street at a traffic signal. This condition is safer for the community and for the primarily elderly population that visits the Site. The primary entrance will continue to be the Roma Avenue alignment, and access onto Turney Avenue is prohibited.

July 17, 2020

Page 6



11. All utilities will be underground.
12. All light standards will be a maximum of 15 feet and lights turned away from adjacent residential districts.
13. All landscaping will be installed and maintained with appropriate water systems, as approved by the City of Phoenix Engineer and Landscape Architect.
14. The site will be subject to site plan approval under C-O zoning, as required by the City of Phoenix.

Right-of-way

15. Sufficient right-of-way to be dedicated by the property owner within one year of final City Council action to provide for a 15' x 15' triangle off Lot No. 17.
16. The rezoning change will not become effective until the right-of-way dedications have been made, if necessary, and a Supplemental Zoning Map has been adopted.

We respectfully request your approval of the stipulation modifications outlined herein. Your attention to this matter is greatly appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read 'WR', followed by a long horizontal flourish.

Wendy Riddell

# **EXHIBIT C**





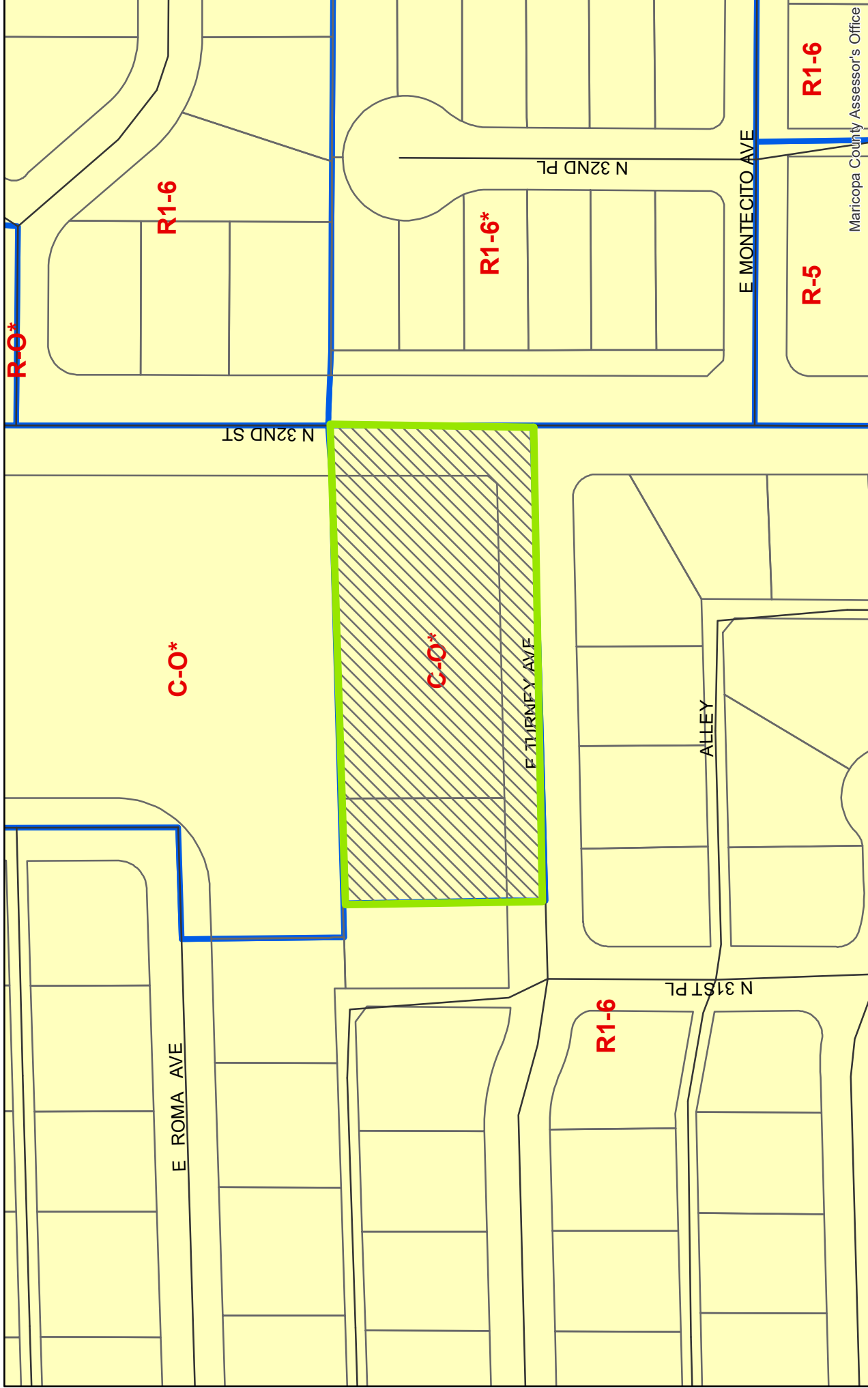
Maricopa County Assessor's Office

## Property Location: Northwest corner of 32nd Street and Turney Avenue

PHO-1-20--Z-242-81-6

# **EXHIBIT D**





## Property Location: Northwest corner of 32nd Street and Turney Avenue

PHO-1-20--Z-242-81-6

# **EXHIBIT E**





CITY  
OF  
PHOENIX

CITY CLERK DEPARTMENT

March 30, 1982

Mr. James Moyer  
Environmental Construction Co.  
3240 E. Camelback Road  
Phoenix, AZ 85018

Dear Mr. Moyer:

The Phoenix City Council, at its meeting held March 8, 1982, considered Application 242-81 (Continued from February 8, 1982; appealed by applicant) - Request of Environmental Construction Co., on behalf of M. Vera Brown, to rezone the northwest corner of 32nd Street and Tunney Avenue (approximately ~~6.41~~ <sup>1.41</sup> acres) from R1-6 to C-O.

The City Council granted this rezoning, subject to the following:

Stipulations

1. Site plan approval
2. One-story height limitation
3. 1' vehicular non-access easement on Tunney.

Rights-of-Way

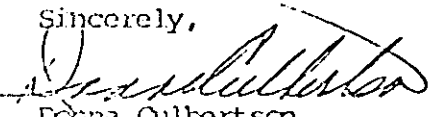
Sufficient right-of-way to be dedicated by the property owner within one year of the final City Council action to provide for the following:

1. A 20' alley on the north side of the property.

The rezoning change will not become effective until the right-of-way dedications have been made, if necessary, and a Supplementary Zoning Map has been adopted.

If you require further assistance or information, please contact the Planning Department, located on the sixth floor of the Municipal Building, 251 West Washington, or call 262-7131.

Sincerely,

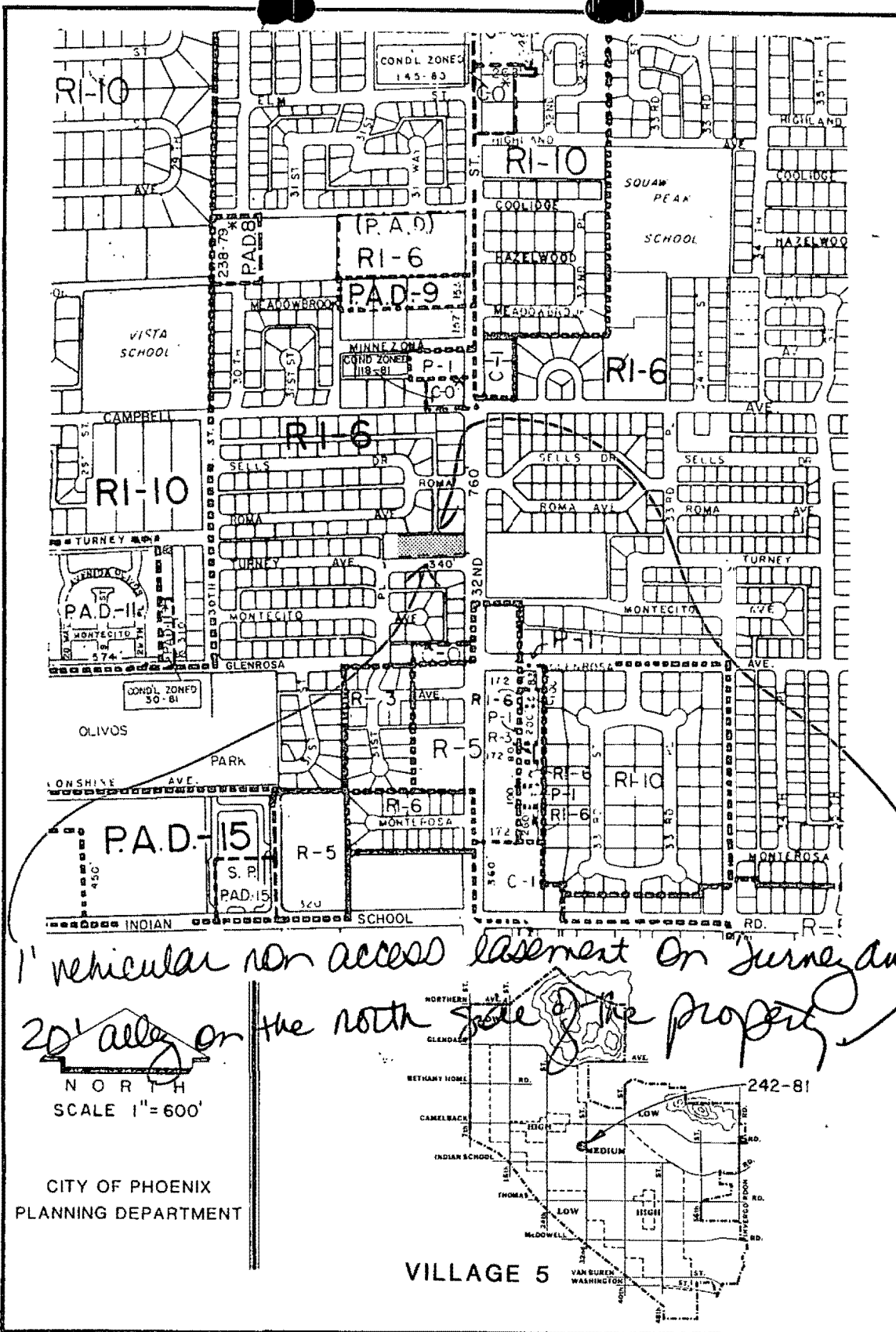
  
Donna Culbertson  
City Clerk Director

DC/jan/0203C

cc: Planning Department (2)  
Engineering Department  
Traffic Engineering Department

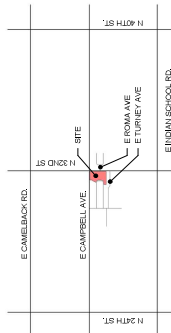
*Called Clerk's  
office to  
get letter corrected  
with 1.41 acres  
5-17-82  
JH*

# **EXHIBIT F**



GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS:		APPLICANT'S NAME <i>ENVIRONMENTAL CONST. CO.</i>	
APPROX. <i>6.41</i> ACRES		APPLICATION NO. <i>242-81</i>	
MULTIPLES PERMITTED UNITS		HEARING DATES <i>P.C. 1-13-82 9-30-81</i>	C.C. <i>REQUESTED CHANGE</i> FROM <i>RI-6</i> TO <i>C-0</i>
		AERIAL PHOTO & QUARTER SEC. NO. <i>17-34</i>	ZONING MAP NO. <i>G-8</i>

# **EXHIBIT G**



◀

[illegible]

1" = 40'-0"

C-O ZONING REQUIREMENTS

ZONING INFORMATION

PROJECT LEGAL DESCRIPTION

LOT COVERAGE

PROPOSED BUILDING AREA: 1,500 S.F.

MAXIMUM ALLOWED LOT COVERAGE FROM NET AREA: ALLOWABLE 50% (12,796 S.F.)

EXISTING BUILDING FOOTPRINT: 20,385 S.F.

PROPOSED NEW BUILDING FOOTPRINT: 1,000 S.F.

PROPOSED NEW PARKING GARAGE FOOTPRINT: 30,116 S.F.

NET BUILDING FOOTPRINT: 21,385 S.F.

EXISTING BUILDING OVERHANG: 1,544 S.F.

PROPOSED NEW BUILDING OVERHANG: 116 S.F.

PROPOSED NEW PARKING GARAGE OVERHANG: 362 S.F.

NET BUILDING OVERHANG: 4,166 S.F.

ACCESSIBLE COVERED PARKING: 14,297 S.F.

TOTAL LOT BUILDING COVERAGE PROVIDED: 37,551 S.F.

37,551 S.F. / 11,715 S.F. = 3.203 S.F. / S.F.

3.203 S.F. / 3.20 = 1.00

BUILDING HEIGHT

MAX. ALLOWED BUILDING HEIGHT: 35'0"

PROPOSED OFFICE BUILDING HEIGHT: 30'0"

PROPOSED PARKING GARAGE HEIGHT: 15'0"

ADDITIONAL COMMENTS

BIDE - 52' (NORTH & SOUTH)  
HEAR - 154' (EAST)

REQUIRED: 1 SPACED 120' MIN.

15,317' - 15,317' - 500' = 4,263 S.F. NET FLOOR AREA  
4,263 S.F. / 1,000 S.F. = 4.263 S.F. / S.F. = 4.263 S.F. / S.F.

EXISTING PARKING PROVIDED: 10 SPACES

NEW: 14 SPACES

ACCESSIBLE: 2 SPACES

PROVIDED: 16 SPACES

PARKING REQUIREMENTS

REQUIRED: 1 SPACED 120' MIN.

15,317' - 15,317' - 500' = 4,263 S.F. NET FLOOR AREA  
4,263 S.F. / 1,000 S.F. = 4.263 S.F. / S.F. = 4.263 S.F. / S.F.

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HEAR - 154' (EAST)

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15,317' - 15,317' - 500' = 4,263 S.F. NET FLOOR AREA  
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QDA : 20-1112  
 SDEV : 2007573  
 PAPP : 2009724  
 QS : 17-34

# DRZ01



ARIZONA U.S.A.

THE CENTRE-4400 & 4444 N 32ND STREET

XX-000

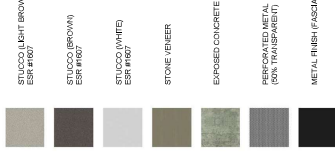
# **EXHIBIT H**



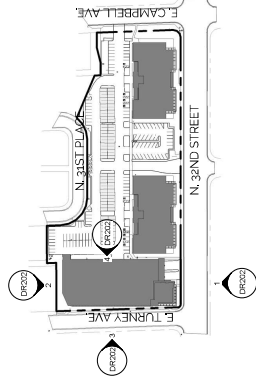
DREWETT WORKS // ARCHITECTURE  
7144 E. STEVENSON, SUITE 104  
SCOTTSDALE, AZ 85251  
P 855-373-9388 // F 855-373-9388  
PLANS @ DREWETTWORKS.COM



MATERIAL LEGEND



THE CENTRE-4400 & 4444 N 32ND STREET



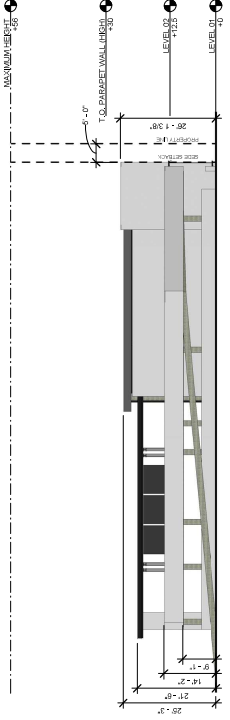
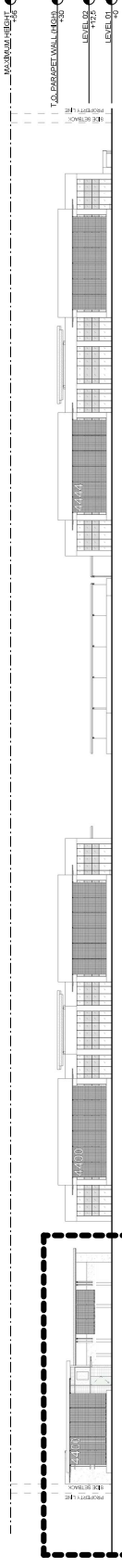
FOR PRE-APPLICATION SUBMITTAL  
DATE: 06/1/2020  
REV:

ELEVATIONS



20-XX  
Expires 12/31/2022

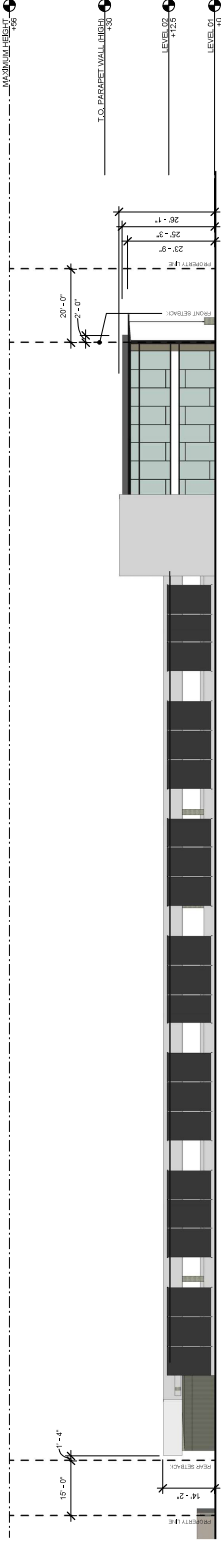
CITY OF PHOENIX  
JUL 9 2 2020  
Planning & Development  
Department



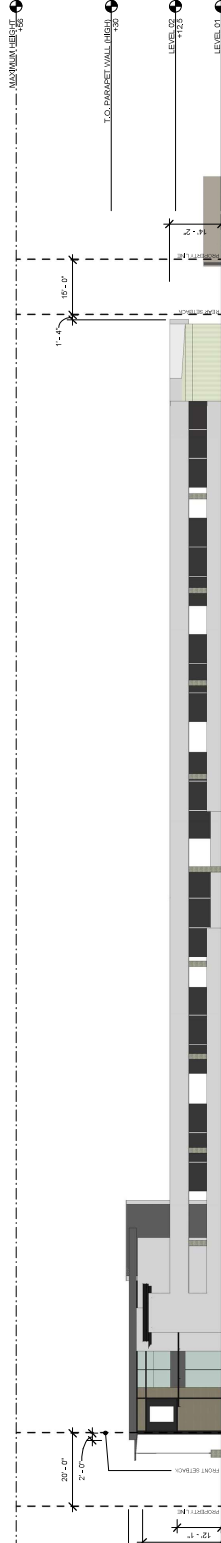
[ 2 ] PARKING GARAGE WEST ELEVATION  
1/16" = 1'-0"



[ 1 ] PARKING GARAGE EAST ELEVATION  
1/16" = 1'-0"



[ 3 ] PARKING GARAGE SOUTH ELEVATION  
1/16" = 1'-0"



[ 4 ] PARKING GARAGE NORTH ELEVATION  
1/16" = 1'-0"

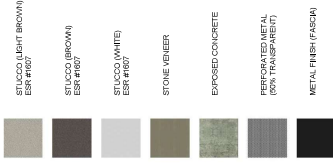




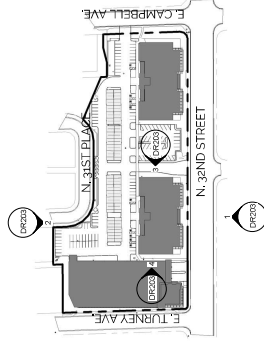
DREVETT WORKS // ARCHITECTURE  
7144 E. STEVENSON DR., SUITE 104  
SCOTTSDALE, AZ 85251  
P 855-373-9388 F 855-373-9388  
PLANS @ DREVETTWORKS.COM



MATERIAL LEGEND



THE CENTRE-4400 & 4444 N 32ND STREET



ELEVATIONS



DR203

20-XX

CITY OF PHOENIX

JUL 9 2020

Planning & Development  
Department

[ 4 ] BUILDING # 4400 SOUTH ELEVATION

1/16" = 1'-0"

[ 3 ] BUILDING # 4400 NORTH ELEVATION

1/16" = 1'-0"

[ 2 ] BUILDING # 4400 WEST ELEVATION

1/16" = 1'-0"

[ 1 ] BUILDING # 4400 EAST ELEVATION

1/16" = 1'-0"





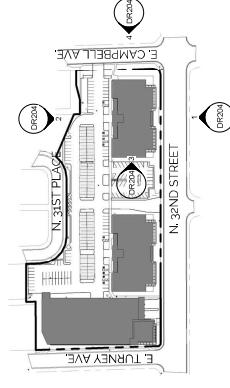
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7144 E. STEVENSON DR., SUITE 104  
SCOTTSDALE, AZ 85251  
P 855-373-9388 F 855-373-9388  
PLANS @ DREWETTWORKS.COM



MATERIAL LEGEND



THE CENTRE-4400 & 4444 N 32ND STREET

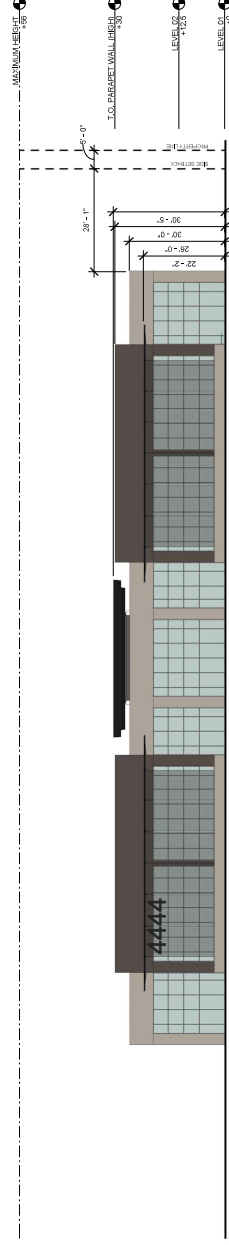
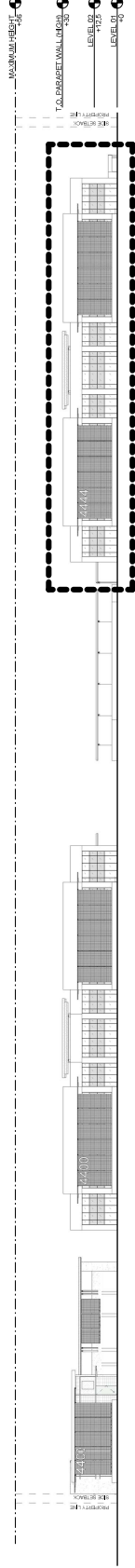


ELEVATIONS

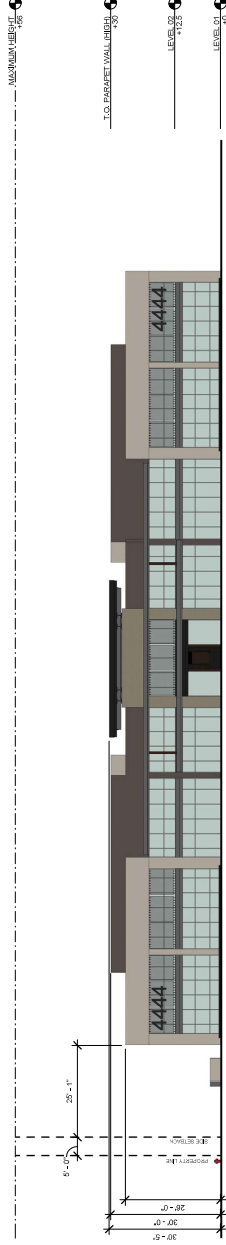


20-XX  
Expires 12/31/2022

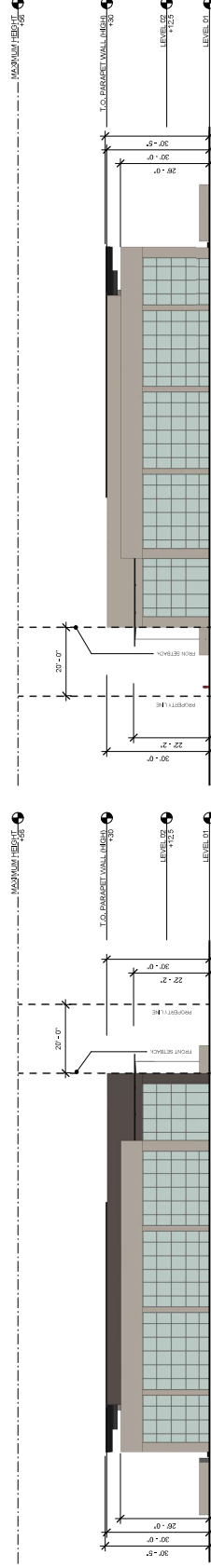
FOR PRE-APPLICATION SUBMITTAL  
DATE 06/13/2020  
REV



[ 1 ] BUILDING # 4444 EAST ELEVATION  
1/16" = 1'-0"



[ 2 ] BUILDING # 4444 WEST ELEVATION  
1/16" = 1'-0"



[ 3 ] BUILDING # 4444 SOUTH ELEVATION  
1/16" = 1'-0"

[ 4 ] BUILDING # 4444 NORTH ELEVATION  
1/16" = 1'-0"

CITY OF PHOENIX  
JUL 02 2020  
Planning & Development  
Department

# EXHIBIT I

REPORT OF PLANNING HEARING OFFICER ACTION  
Adam Stranieri, Planner III, Hearing Officer  
Julianna Pierre, Planner I, Assisting

August 19, 2020

ITEM NO: 1

DISTRICT 6

SUBJECT:

Application #: PHO-1-20--Z-242-81-6  
Zoning: C-O  
Location: Northwest corner of 32nd Street and Turney Avenue  
Acreage: 1.40  
Request: 1) Modification of Stipulation 1 regarding site plan approval.  
2) Modification of Stipulation 2 limiting height to one story.  
Applicant: Wendy Riddell, Berry Riddell LLC  
Owner: Levine Investments Limited Partnership  
Representative: Wendy Riddell, Berry Riddell LLC

**ACTIONS**

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with modifications.

Village Planning Committee (VPC) Recommendation: The Camelback East Village Planning Committee heard this case on August 4, 2020 and recommended approval by an 18-0 vote.

**DISCUSSION**

*This case was heard concurrently with Item #2, PHO-2-20—Z-220-83-6.*

Wendy Riddell, applicant and representative with Berry Riddell LLC, provided history regarding the approximately 6.4-acre site. She stated that the applicant proposes exterior improvements to the existing buildings and to build an approximately 5,000 square foot, 26-foot-high office building and a 15-foot tall two-level podium parking garage. Updates to the façades of the existing buildings would incorporate modern style and high-quality materials.

Ms. Riddell stated that they were requesting to modify Stipulations 1 and 2 from Z-242-81, regarding site plan approval and limitation of height to one story. She was aware of neighborhood concerns regarding the height of the proposed development. In her presentation she provided images depicting the sight lines from the second story of a property at the southwest corner of 32nd Street and

Turney Avenue to illustrate that the new buildings would have limited impact on views. She stated that the maximum height allowed in the C-O zoning district is 56 feet and their proposal would create much less of an impact than a building at the permitted maximum height.

Ms. Riddell stated that they were also requesting to delete Stipulation 10 from Z-220-83-6, limiting ingress and egress to 32nd Street and requiring non-vehicular access easements on the north and west property lines. She stated that they are proposing a secondary driveway onto Campbell Avenue which would be safer for the community and allow ingress and egress close to the traffic signal at 32nd Street. She added that their site is the only site at the intersection of 32nd Street and Campbell Avenue that does not have a driveway on Campbell Avenue.

Ms. Riddell stated that Ethan Buszko, a neighbor who lives adjacent to the southern parcel to the west, raised concerns about the proposal. She stated that their request will replace a parking canopy and dumpster located approximately 2 feet from the west property line with a 15-foot landscape setback. She stated that the parking structure will be setback from the property line and she is willing to work with neighbors regarding landscaping.

Bobby Berland, a member of the public speaking in opposition to the request, stated that he lives adjacent to the site. He stated that the proposal negatively impacts views from his property and is also a quality of life issue. He stated that the original developer of the property in the 1980s intended to leave the south parcel as a buffer for the neighborhood. He stated that a two-level parking structure directly adjacent to residential homes will create safety and security issues. He added that at such close proximity people may be able to see into his home.

David Pagano, a member of the public expressing no position, stated that he had safety and visual impact concerns. He added that the development could create hiding places for people on the subject property and that security issues should be considered and addressed.

Mr. Buszko, a member of the public speaking in opposition to the request, stated that he lives adjacent to the site. He stated that he shared prior speakers' concerns about safety and privacy. He also expressed concern about the view down from the development into his yard. He stated that he was open to having discussions with the applicant about the dumpster, landscaping, and parking structure design. He added that the impact of the parking structure could be reduced by partially placing the structure underground or instead building the garage on the north parcel between the existing office buildings.

Jason Wolf, a member of the public speaking in opposition to the request, stated that he also had concerns about safety, security, and quality of life.

Jay Swart, Chair of the Camelback East Village Planning Committee (VPC) speaking in favor of the request, stated that while it was not required, the applicant requested that the case be heard by the VPC, and the Committee voted unanimously to recommend approval as filed. He added that he frequents the existing offices and it can be difficult to find a parking space at the site and it would be beneficial to have a driveway onto Campbell Avenue. He stated that other commercial property owners, specifically the Chop Shop and coffee shop at the northeast corner of Campbell Avenue and 32nd Street, were supportive of the development. He stated that Levine Investments Limited Partnership only recently acquired the subject property and he was pleased to see a developer building an innovative design at the location.

Noel Tan, a member of the public speaking in opposition to the request, stated that he lives adjacent to the site. He shared concerns regarding safety. He stated that he purchased his home in 2018 and was told that the location of the existing parking lot would remain undeveloped. He stated that he was surprised when he received the notice regarding the proposed development. He stated that he would be directly across from the proposed parking garage and was opposed to the development.

Rick LaManna, a member of the public speaking in opposition to the request, stated that he lives in the nearby neighborhood. He stated that the location of the parking garage is the principle problem and will negatively impact the neighborhood and lower property values. He stated that the City and developer should maintain a buffer between the residential homes and commercial uses.

Thomas Pandola, a member of the public speaking in opposition to the request, stated that he lives in the nearby neighborhood. He stated that he had concerns regarding security, privacy, and a reduction in property values.

William Fischbach, Vice-Chair of the Camelback East VPC speaking in favor of the request, stated that lives in the nearby neighborhood. He stated that the proposal is consistent with other commercial properties in the area and is less intensive than what could be allowed in the zoning district.

Ms. Riddell stated that the site has been zoned for commercial office use since the 1980s and the proposed development is less intense than what could be developed on the property. She added that the community is safer with the development because the property will have regular security patrols and will not have nighttime uses or parking. She stated that she wanted to work with the neighbors regarding the landscaping. She stated that there was no opposition at the Camelback East VPC. She added that Mr. Berland had proposed an agreement where if the applicant paid him \$200,000, he would not organize opposition against the case.

Mr. Berland clarified that Ms. Riddell's statement regarding his proposal was not true. Ms. Riddell stated that she would not have brought up Mr. Berland's proposal if it were not true.

Adam Stranieri asked Ms. Riddell if she was aware of any private agreements that were made with the neighborhood regarding the subject property of Z-242-81-6 as a buffer or open space area. Ms. Riddell said she did not know of any agreement and felt it was a misunderstanding of the original rezoning case. Mr. Stranieri stated that the applicant in the original rezoning case was a construction company who intended to build an office on the site. He noted that these offices were developed on the site as intended and were only later removed and replaced with parking canopies. He noted that the current case is the first request for modification of the stipulations and therefore there is no record in the City's files of any such agreement.

Mr. Stranieri stated that the applicant's request to include general conformance to the proposed site plan would establish a more restrictive condition than the current stipulation for site plan approval. He stated that what is proposed in the plan is an appropriate scale and intensity for a commercial office site along a major arterial and adjacent to residential uses. He noted that the general conformance requirement would also establish a trigger for a future public hearing process if major changes were proposed to the stipulated plans. He stated that he was inclined to approve the request for general conformance with the site plan.

Mr. Stranieri asked for clarification regarding the height of the proposed structures. Ms. Riddell stated that the applicant was not using the City's definition of height because it can be confusing to the neighbors, so she wanted to be clear they were talking about height to the maximum point of the structure, including parapets. Mr. Stranieri stated that he would want the language of the stipulation to be consistent with existing Ordinance language. Ms. Riddell stated that they intended to include the parapet in the definition of height. Mr. Stranieri noted that the applicant's requested language noted 28-feet in height while the conceptual site plan showed 26-feet in height. He stated that he did not have an issue approving as requested as long as the applicant understood that the stipulations regarding height and general conformance would be interpreted in the plan review process using the City's existing definition of height.

Mr. Stranieri stated that he did not hear as much concern regarding the request or subject property in companion case Z-220-83-6. He noted that the intersection is of an arterial street (32nd Street) and a minor collector (Campbell Avenue). He added that all other properties at the four corners have driveway access to Campbell Avenue. Considering the new square footage and building massing on the site it would make sense to increase the number of access points. He added that it is also desirable since the driveway would access a signalized intersection and an additional driveway on 32nd Street is not possible.

He also noted that the applicant was not modifying the existing prohibition on access to Turney Avenue. He asked for clarification regarding the existing, stipulated non-vehicular access easements (NVAE) on the property. Ms. Riddell stated that they had no intent to remove the NVAE along the west property line. Mr. Stranieri stated that he was inclined to retain the stipulation with modified language regarding the NVAE on the west property line. He stated that the intent was to prevent the easement from being abandoned without returning through a public PHO hearing process.

## **FINDINGS**

- 1) The subject property was rezoned to C-O (Commercial Office) in 1981. Subsequently, the site was developed with single-story offices which remained on the property until approximately 1991. In approximately 1996, the site was redeveloped as a parking area for the commercial offices adjacent to the north and covered parking canopies were installed which remain today. The current proposal includes the development of a two-level parking garage at a maximum height of 15 feet on the majority of the parcel and an approximately 5,000-square foot office building along 32nd Street with a maximum height of 26 feet. The proposed development is compatible with the land use pattern in the surrounding area which includes multi-story office, single-family, and multifamily developments. There are no proposed changes regarding access to the site and an existing stipulation prohibiting access from Turney Avenue will be retained. Stipulation 1 requires only site plan approval by the City. The applicant is proposing general conformance to the conceptual site plan which will establish a mechanism for a public hearing if significant changes are proposed to the stipulated plans. Approval of this request is recommended with minor modifications to incorporate standard language regarding general conformance.
- 2) Stipulation 2 limits buildings to one-story. This stipulation does not quantify the specific building height and could hypothetically permit a one-story building up to a maximum height of 56 feet. The proposed office building is located along the 32nd Street frontage, an arterial street, and is set back at a significant distance from residences to the west. The proposed two-level parking garage has a maximum height of approximately 14 feet which is compatible with the scale of existing residences in the surrounding area. The applicant's requested modification to limit building height to 28 feet is more restrictive than the existing stipulation, the permitted height in the base zoning district, and the height of some existing development in the surrounding area. The proposed building height will also be subject to the general conformance requirement described above in Finding No. 1 which identifies the significantly lower parking garage height. Approval of the request is

recommended with a modification to remove the reference to building stories.

**DECISION:** The Planning Hearing Officer recommended approval with modifications.

**STIPULATIONS**

1.	<del>Site plan approval.</del>  THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED JULY 2, 2020, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.	
2.	<del>One-story height limitation.</del>  THE MAXIMUM BUILDING HEIGHT SHALL BE 28 FEET.	
3.	1' vehicular non-access easement on Turney.	
Rights of Way		
4.	Sufficient right-of-way to be dedicated by the property owner within one year of the final City Council action to provide for the following:	
	a.	A 20' alley on the north side of the property.

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact the Planning and Development Department, Tamra Ingersoll at voice number 602-534-6648 or TTY use 7-1-1.



# EXHIBIT J

## Julianna Pierre

---

**Subject:** FW: Development on the SW Corner of 32nd St and Campbell (PHO-2-20--Z-220-83 & PHO-1-20--Z-242-81)

**From:** Ashley Porter <[ap@berryriddell.com](mailto:ap@berryriddell.com)>

**Sent:** Tuesday, August 18, 2020 9:03 AM

**To:** JN Neuman <[neumanjn@gmail.com](mailto:neumanjn@gmail.com)>

**Cc:** Sofia Mastikhina <[sofia.mastikhina@phoenix.gov](mailto:sofia.mastikhina@phoenix.gov)>

**Subject:** RE: Development on the SW Corner of 32nd St and Campbell (PHO-2-20--Z-220-83 & PHO-1-20--Z-242-81)

Jeremy,

A traffic study has not been done, as one is not required here with a site plan modification. This is not a rezoning request.

The 14'-2" to the top of the garage is to the top of the screen wall.

Let me know if you have any additional questions.

**Ashley Porter**

Planner

BERRY RIDDELL LLC

6750 E. Camelback Road | Suite 100 | Scottsdale, Arizona 85251

480-682-3916 direct | 480-385-2757 fax

[ap@berryriddell.com](mailto:ap@berryriddell.com) | [www.berryriddell.com](http://www.berryriddell.com) [[berryriddell.com](http://berryriddell.com)]

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**From:** JN Neuman <[neumanjn@gmail.com](mailto:neumanjn@gmail.com)>

**Sent:** Tuesday, August 18, 2020 12:06 AM

**To:** Ashley Porter <[ap@berryriddell.com](mailto:ap@berryriddell.com)>

**Cc:** [sofia.mastikhina@phoenix.gov](mailto:sofia.mastikhina@phoenix.gov)

**Subject:** Re: Development on the SW Corner of 32nd St and Campbell (PHO-2-20--Z-220-83 & PHO-1-20--Z-242-81)

Ashley,

Thank you for your reply. I understand that the two other businesses have access to Campbell; however, both of those businesses are much smaller than this development in its current configuration, and in addition to the driveway, you are proposing to increase the density on the site. You also stated in the letter you sent out to residences that the primary purpose of providing the Campbell driveway was so that vehicles would no longer have to make an unprotected left-turn onto 32nd St, which is incorrect. Was a traffic study completed for adding the driveway on Campbell? I would like to see the traffic study and what assumptions were made in the study. What design year was assumed for your traffic study, and how many vehicles are assumed to be using the Campbell driveway during peak hour? What is the split between the driveways, and what is the level of service for the intersection before and after the added driveway? Also was adding a protected left-turn signal phase for Campbell looked into?

While there may be no height limitation with the single-story restrictions, there are economic limitations on the height of a single-story building. It would not make economic sense for a developer to build a single story building 56-ft tall, so the cap on a single story effectively created a height limitation too. Also, a single-story building would not have windows looking down into residential lots, while a second-story building would intrude on neighborhood privacy by putting occupants of the building at a higher elevation and vantage point.

In regards to the parking structure, while it may only be 3 feet higher than the existing parking canopies, the canopies do not have the presence of a parking structure, so the parking structure is taller while also replacing what is effectively an umbrella with a building. Does the 14'-2" include that parking structure parapet walls or is that the top of floor elevation for the second story? There is only surface parking on properties fronting 32nd St from Camelback Rd to the south with the exception of the property on SW corner of 32nd St and Camelback, which has a parking structure, and Helios, which has underground parking. My concern with both the two stories and the parking structure is that they do not provide a good transition or interface with residential properties that are immediately adjacent to the site, which I assume is why the restrictions were originally placed on the site.

Jeremy

On Mon, Aug 17, 2020 at 11:38 AM Ashley Porter <[ap@berryriddell.com](mailto:ap@berryriddell.com)> wrote:

Jeremy,

Thank you for reaching out. We are proposing a full access driveway along Campbell Ave. The driveway will be located approximately 195 feet from the intersection of 32<sup>nd</sup> St and Campbell Ave. Each other business at this intersection has a driveway at Campbell Ave, to provide a safer condition for passing traffic and people visiting the site. Our plan has been reviewed by the traffic department of the City of Phoenix and no concerns were presented in regard to the additional driveway.

The previous height limitation on the southern portion of the property is one story, but with no specific height limitation. The maximum permitted height in the C-O district is 56 feet. We are, instead, proposing to limit the height of the new office building to 28 feet and the podium parking will be a maximum height of 14 feet, 2 inches – 3 feet higher than the existing parking canopies.

I truly appreciate your input and am happy to discuss further.

Ashley Porter

Planner

BERRY RIDDELL LLC  
6750 E. Camelback Road | Suite 100 | Scottsdale, Arizona 85251  
480-682-3916 direct | 480-385-2757 fax

[ap@berryriddell.com](mailto:ap@berryriddell.com) | [www.berryriddell.com](http://www.berryriddell.com) [[berryriddell.com](http://berryriddell.com)]

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**From:** JN Neuman <[neumanjn@gmail.com](mailto:neumanjn@gmail.com)>

**Sent:** Saturday, August 15, 2020 12:05 PM

**To:** [sofia.mastikhina@phoenix.gov](mailto:sofia.mastikhina@phoenix.gov); Ashley Porter <[ap@berryriddell.com](mailto:ap@berryriddell.com)>

**Subject:** Fwd: Development on the SW Corner of 32nd St and Campbell (PHO-2-20--Z-220-83 & PHO-1-20--Z-242-81)

Hi,

I received your informational packet on your proposal to remove the stipulations on the development on the SW corner of 32nd St and Campbell. I would like more information on your proposal, specifically about the added driveway on Campbell Ave. There is already a traffic problem at 32nd St and Campbell Ave, and by adding a driveway for your development and enlarging your development, you will be exacerbating that problem. In your letter you said that the reason for this driveway is to give the option for visitors not to make an unprotected left on 32nd St. This statement is disingenuous, as all you will be doing is moving where the visitors and tenants make their unprotected left-turn. 32nd St and Campbell does not have a protected left turn. Also, with the close proximity to the intersection, you will be increasing the queue of vehicles in the left-turn lane especially during peak hour and likely blocking the through lane on Campbell Avenue. I would like you to provide your traffic study for this project.

In addition, I do not agree with the proposal to eliminate the one-story height limitation for Z-242-81. This not only adds density to the development and exacerbates the ingress and egress traffic issue but it also puts a 2-story office development in close proximity to a residential neighborhood. The reasons for the previous height stipulations still exist, to provide a buffer between a development of this type of single family residential properties.

Sincerely,

Jeremy Neuman

August 16th, 2020

To Julianna Pierre (Phoenix Hearing Officer),

I am writing to you to state my case regarding the upcoming deliberation of the proposed changes and stipulations listed in Applications NO. Z-242-81-6 (PHO-1-20) and NO. Z-220-83-6 (PHO-2-20). As we discussed in our previous correspondence, I recently purchased the property on 3114 E Turney Ave in late July. My fiancé and I chose this to be our home as the surrounding neighborhood's character and aesthetic were just what we were looking for. We quickly made ourselves at home and began home improvement projects to address any issues that we noticed. One of our primary concerns was maintaining our privacy, which seemed manageable at the time given that the only adjacent property that we needed to address in that regard was the commercial lot to the east. We intended on managing our privacy by adding trees or bushes to our east and northeast wall of our property to obscure the view between our property and the commercial lot.

However, shortly after purchasing our home, we were approached by a neighbor that introduced herself and notified us of the proposed changes to the adjacent commercial lot, specifically those listed in **Z-242-81-6**, which left my fiancé and I at a loss for how this would impact our home. Firstly, we believe that the aesthetic of the neighborhood would be negatively affected by the modifications of the stipulations listed in **Z-242-81-6**, as our property and our nearby neighbors' would have a drastic shift in the surrounding view from what we currently enjoy to a large display of concrete sparsely covered by landscaping. Secondly, our originally conceived landscaping project would hardly address a towering two story garage unless we planted a considerable amount of mature trees to immediately address the issue, greatly reducing the available space in our own backyard. Lastly, the impact on the value of the nearby properties could potentially be severe as future buyers may be extremely off-put by the proposed modifications,

should they be executed to completion; although we are sure that the commercial investors would attempt to reassure us that their modifications would only serve to increase the nearby property values.

In an effort to maintain an optimistic attitude toward the proposed changes of the adjacent commercial lot to our home, I am prepared to offer ideas that may satisfy the desires of both parties. The most simple solution would be to plan the construction for a podium style garage on the lot to the north where both medical offices currently stand, which could possibly be built between the two medical offices (adjacent to one of the current entrances) or parallel to the medical offices on their western side. Although this suggestion would most likely result in a smaller podium style parking garage, I noticed that the existing amount of parking, at a total of 222 spaces, exceeds the “required” 215 spaces that the project calls for, which would result in a smaller garage possibly offsetting the lost spaces from the new 5000 sq ft office proposed on the northwest corner of Turney and 32<sup>nd</sup> street. In effect, this option may net an increase in available parking in an amount still exceeding the 215 required spaces.

However, if there are no other good alternatives for the location of the proposed podium style garage, I ask to please consider whether it is possible for the structure to be built either partially below the ground level of the current parking spaces (where the second level of parking would be at the current ground level or slightly elevated) or if the currently proposed side yard setback be increased from 15ft to 30 ft. Additionally, in an effort to further preserve privacy, I would recommend an adequate amount of landscaping around the sides of the parking structure/office facing the residential areas and/or possible fixtures on the sides of the garage to limit the view of those parked inside the structure into the neighboring properties.

Overall, I believe that the proposed modifications of the stipulations listed in **Z-242-81-6** in its current state may yield a result that could become a great detriment to the neighborhood by disturbing the community’s aesthetic, residential privacy, and property values. With careful consideration, I am offering the genuine compromises that I listed



above in order to address some of my concerns and perhaps the concerns of my neighbors. I am confident that you will take the concerns of my fiancé and I, as well as our neighbors', into careful consideration and implore you to reflect upon the reality that once these proposed changes are completed, they are unlikely to be undone in the future. Thank you for taking the time to listen to what I have to say, it is greatly appreciated.

Sincerely,

Ethan Buszko

## Julianna Pierre

---

**From:** Thomas Pandola <tpandola@hotmail.com>  
**Sent:** Tuesday, August 18, 2020 1:13 AM  
**To:** PDD PHO  
**Subject:** Z-242-81-6

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I purchased the property at 3121 E Turney on 8-14-2020. I am very concerned that the construction of the proposed project will devalue my home.

**Julianna Pierre**

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