

## Attachment D

**PLEASE RESPOND ELECTRONICALLY TO TERESA GARCIA 2ND FLOOR, 602-262-7399**



### City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

**To:** Departments Concerned

**Date:** January 12, 2024

**From:** Joshua Bednarek

Planning & Development Department Director

**Subject: P.H.O. APPLICATION NO. PHO-1-24--Z-10-96-6 – Notice of Pending Actions by the Planning Hearing Officer**

1. Your attention is called to the fact that the **Planning Hearing Officer** will consider the following case at a public hearing on **February 21, 2024**.
2. Information about this case is available for review at the Zoning Counter in the Planning and Development Department on the 2nd Floor of Phoenix City Hall, telephone 602-262-7131, Option 6.
3. Staff, please indicate your comments and respond electronically to [pdd.pho@phoenix.gov](mailto:pdd.pho@phoenix.gov) or you may provide hard copies at the Zoning Counter in the Planning and Development Department on the second floor of Phoenix City Hall by **January 19, 2024**.

### **DISTRIBUTION**

Mayor's Office (Tony Montola), 11th Floor  
City Council (Stephanie Bracken), 11th Floor  
Aviation (Jordan D. Feld )  
CED (Michelle Pierson), 20th Floor  
Fire Prevention (Joel Asirsan), 2nd Floor  
Neighborhood Services (Gregory Gonzales, Lisa Huggins), 4th Floor  
Parks & Recreation (Todd Shackelford), 16th Floor  
Public Transit (Michael Pierce)  
Street Transportation Department (Maja Brkovic, Josh Rogers, Alan Hilty, Chris Kowalsky), 5th Floor  
Street Transportation - Ped. Safety Coordinator (Kurt Miyamoto), 5th Floor  
Street Transportation - Floodplain Management (Tina Jensen, Priscilla Motola, Rudy Rangel), 5th Floor  
Water Services (Don Reynolds, Victor Romo), 8th Floor  
Planning and Development (Joshua Bednarek, Tricia Gomes), 3rd Floor  
Planning and Development/Information Services (Ben Ernyei, Andrew Wickhorst), 4th Floor  
Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor  
Planning Hearing Officer (Byron Easton, Teresa Garcia), 2nd Floor  
Village Planner (Matteo Moric, Ahwatukee Foothills)  
Village Planning Committee Chair (Andrew Gasparro, Ahwatukee Foothills Village)



## City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

### APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-1-24--Z-10-96-6

Council District: 6

**Request For:** Stipulation Modification

**Reason for Request:** Request to delete Stipulation 1 regarding general conformance with the site plan date stamped October 1995.; Request to delete Stipulation 2 regarding building elevations.; Request to delete Stipulation 3 regarding loading docks.

#### Contact Information

Name	Relationship Type	Address	Phone	Fax	Email
Thistle Income Partners LLC	Applicant	2765 Sand Hill Road, Suite 200	602-382-6824		ngriemsmann@swlaw.com
NOEL GRIEMSMANN	Representative	1 East Washington Street, Suite 2700, Phoenix, AZ 85004			ngriemsmann@swlaw.com
Thistle Income Partners, LLC c/o Menlo Equities	Owner	2765 Sand Hill Road, Suite 200, Menlo Park, CA 94025	602-382-6824		ngriemsmann@swlaw.com
Thistle Income Partners LLC	Representative	2765 Sand Hill Road, Suite 200 Menlo Park CA 94025 United States	602-382-6824		ngriemsmann@swlaw.com

**Property Location:** Southwest Corner of 50th Street and Thistle Landing Drive

**Acreage:** 1.6


#### Geographic Information

Zoning Map	APN	Quarter Section
B11,A11	301-84-762	Q09-39
B11,A11	301-84-763	Q09-39
Village:		
Ahwatukee Foothills		

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email [zoning@phoenix.gov](mailto:zoning@phoenix.gov) or visit our website at <https://www.phoenix.gov/pdd/licensing-time-frames>

A Filing Fee had been paid to the City Treasurer to cover the cost of processing this application. The fee will be retained to cover the cost whether or not the request is granted

I declare that all information submitted is true and correct to the best of my knowledge and belief. I acknowledge that any error in my application may be cause for changing its normal scheduling.

Signature:  DATE: 1/4/2024

#### Fee Information

Fee	Fee Waived	Fee Date	Purpose
\$1,725.00	\$0.00	12/11/23	PHO (3+ stipulations)



# Snell & Wilmer

ONE EAST WASHINGTON STREET  
SUITE 2700  
PHOENIX, AZ 85004-2556  
602.382.6000 P  
602.382.6070 F

Noel J. Griemsmann AICP  
(602) 382-6824  
ngriemsmann@swlaw.com

December 11, 2023

Planning Hearing Officer  
Planning & Development Department  
City of Phoenix  
200 West Washington Street  
Phoenix, AZ 85003

Re: Stipulation Modification Request for the Property located at the Southeast Corner  
of Thistle Landing Drive and 48th Street, Case No. Z-10-96-6

Dear Planning Hearing Officer:

On behalf of Thistle Income Partners, LLC (“Thistle”), we are pleased to submit this request for Planning Hearing Officer (“PHO”) approval of proposed modifications to the stipulations of approval associated with a portion (approximately 2.3 acres) of Case No. Z-10-96- located at the southeast corner of Thistle Landing Drive and 48th Street (shown on Exhibit A), otherwise known as Maricopa County Assessor’s Office Parcel Numbers (APN) 301-84-762, 301-84-763, 301-84-764, and 301-84-765 (the “Property”). More specifically, this application requests stipulation modifications to Case No. Z-10-96-6, approved by the City Council on February 7, 1996, governing a small portion of the Property.

The purpose of the letter is to provide a summary of the proposed modifications, as more detailed on the enclosed materials.

## **A. Background**

According to the City of Phoenix Zoning Index Map (A11) (Exhibit B), the Property is subject to two (2) separate zoning cases—referred to in this letter as “Zoning Case 1” and “Zoning Case 2”.

- Case No. Z-10-96-6, approved by the City Council on February 7, 1996, governing a small portion of the Property at the northeast corner (“**Zoning Case 1**”).



Planning Hearing Officer  
December 11, 2023  
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- Case No. Z-127-96-6, originally approved by the City Council on December 16, 1996, and later modified by PHO Case Z-127-96-6—PHO-1-97 approved by the City Council on November 12, 1997 (“**Zoning Case 2**”).

Arguably, Zoning Case 2 applies to the Property and supersedes Zoning Case 1 as it relates to this Property. That said, there is discrepancy with respect to the northeast corner of the Property (where the roadway alignment for Thistle Landing Drive begins to veer north from its standard east/west alignment).

To explain, Zoning Case 2 (which was approved after Zoning Case 1) shows the entire Property, including the portion of the Property at the northeast corner (as shown in Exhibit C), in the site plan submitted alongside Zoning Case 2. It therefore appears the intent was for Zoning Case 2 to rezone the entire Property, including the northeast corner.

That said, the City’s Zoning Index Map does not include the northeast corner of the Property within the boundaries of Zoning Case 2. Further, while the northeast corner of the Property was included in the overall site plan submitted with Zoning Case 2, there is no underlying legal descriptions included with Zoning Case 2 showing the City’s Zoning Map was actually modified to include the northeast corner of the Property within the zoning area for Zoning Case 2.

Therefore, based on the above, we are requesting modification to Zoning Case 2<sup>1</sup> (effecting the majority of the Property) as well as Zoning Case 1 (effecting the northeast corner of the Property) in order to “clean-up” this discrepancy and to update the 27 year old conditions to reflect the proposed redevelopment of the property.

## **B. Project Overview**

The Property is currently zoned Commerce Park/General Commerce Park Option (“CP/GCP”) and is developed with four (4) one-story office buildings (which are mostly vacant) and large supportive surface parking lots. Thistle is proposing to redevelop the Property as a state-of-the-art technology center consisting of five (5) separate buildings (the “Project”).

While focused toward data center users, in developing this Project, the intent is to complement and support the existing technology and innovation companies/campuses located in the Ahwatukee area. The Project will also provide a home to advanced internet-based businesses and those that need to locate in proximity to high-capacity computer server facilities.

Due to the Property’s location between more intensive office and light-industrial flex type structures/uses to the east and south and residential dwellings to the west and north, the Project

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<sup>1</sup> Modifications to Zoning Case 2 are via separate PHO application.

Planning Hearing Officer  
December 11, 2023  
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has been carefully designed to provide a transitional scale of massing, uses and landscaping to best fit the surrounding context.

For example, the five (5) proposed new buildings will have a maximum height of 56-feet, similar in scale and appearance to other “Class A” type office park developments. To provide both a buffer as well as design enhancements abutting the surrounding public rights-of-way, the Project will provide substantial building and landscape setbacks that exceed the minimum code requirements applicable to CP/BP structures. The Project’s required substation has been strategically located in the southeast corner of the Site, which enables the substation to be screened by the proposed buildings from view of the surrounding residences.

In addition, the Project will add additional landscape enhancements around its perimeter to provide a shaded walking environment as well as a unique 2+ acre publicly accessible “parklet” at the northeast corner of the Property, which will provide recreational opportunities for nearby neighbors.

As shown in the enclosed site plan and conceptual elevations, the Project is compatible with the existing industrial, commercial and office uses in the surrounding area. The current site is outdated and is designed for call center use, density, parking, and traffic; this type of use is also a lower economic driver. Instead, the proposed Project will produce lower impacts to the surrounding neighborhood by (i) significantly reducing the number of employees on site daily (thus reducing traffic in the area) and will decrease the parking by over 90%, and (ii) adding pedestrian amenities lacking in the immediate area. By changing to a less “traffic” intensive primary use (data center), providing updated neighborhood enhancing/contextually appropriate architecture, and adding shaded pedestrian walking routes with a 2+ acre publicly accessible “parklet”, the Project will be an enhancement and benefit to the community.

In order to facilitate development of the Project, Thistle will utilize the existing CP/GCP development rights and underlying zoning provisions thereof with proposed modifications to the approved conditions of approval, which are discussed in more detail below.

### **C. Stipulation Review Z-10-96-6 (Zoning Case 1)**

- ~~1. That the development be in general conformance with the site plan dated October 1995, as may be modified by the following stipulations and review by the Development Services Department.~~

**Request:** Deletion.

- ~~2. That building elevations shall be consistent and continuous in design and materials around the building.~~

**Request:** Deletion.

Planning Hearing Officer  
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- ~~3. That all loading docks shall be screened from view and shall not be located such that they face the east side of the property.~~

**Request:** Deletion.

As explained above, this Zoning Case 1 applies (if at all) only to the northeast corner of the Property. If the proposed modifications to Zoning Case 2 are approved, then development of the Property must be in conformance with the Project's site plan, which shows the northeast corner of the Property as open space. As such, the above stipulations are no longer applicable nor necessary.

## **D. Summary**

This is a request to approve modifications to two (2) zoning cases that were approved for this Property over 25 years ago (between 1996 and 1997). If approved, this application will accommodate the redevelopment of an outdated office development with Thistle's state-of-the-art technology center consisting of four (4) new buildings with a focus on data center users. The proposed redevelopment of the Property will be an improvement to the Property and will complement the existing technology companies located in the area. The proposed modifications will utilize the existing CP/GCP development rights for an office development, retaining consistency with its existing zoning while simply updating the final land use of the Property.

We look forward to discussing this request in more detail with you. In the interim, if you need any additional information, please do not hesitate to contact us.

Respectfully submitted,

Snell & Wilmer

 For

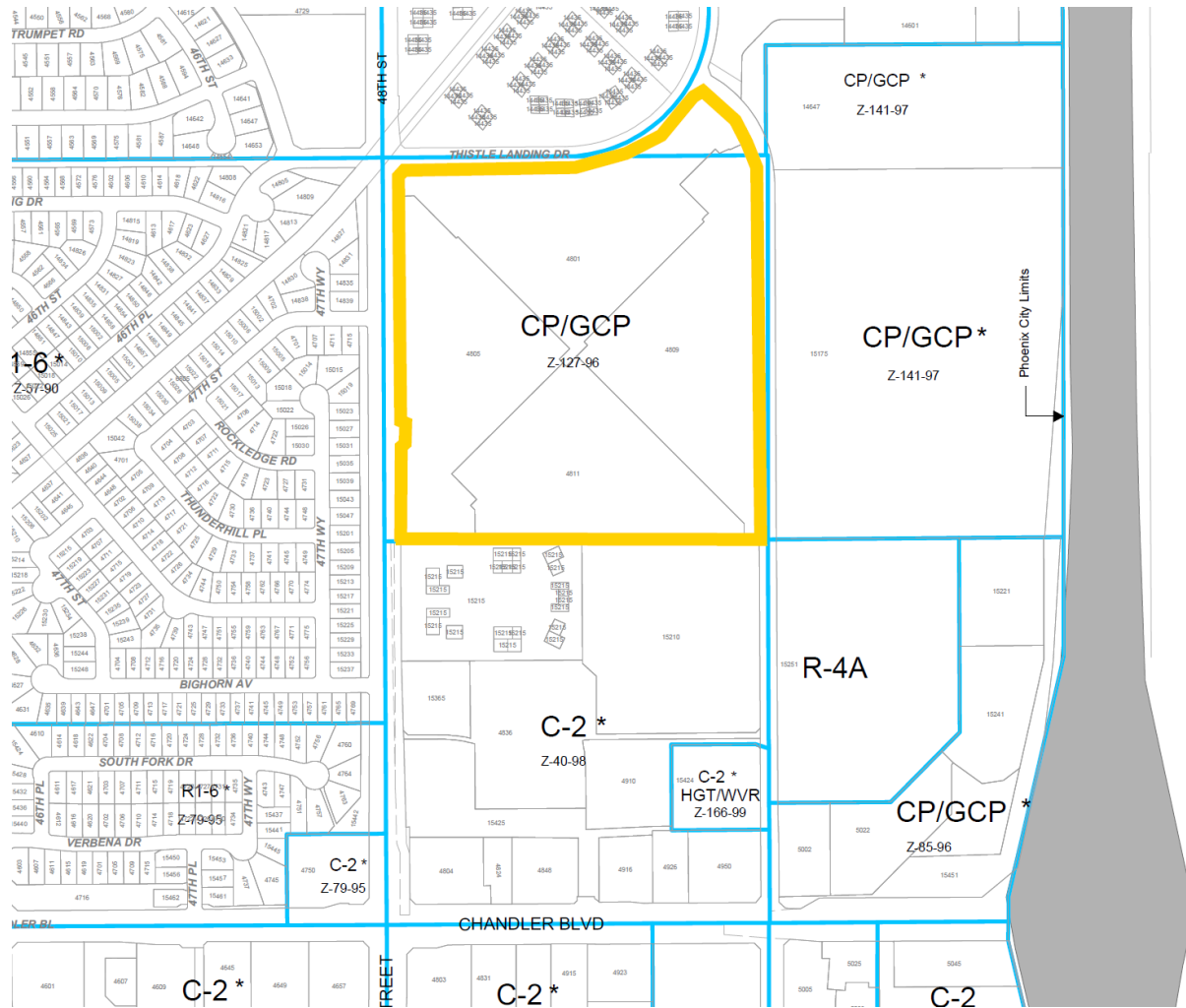
Noel J. Griemsmann AICP

## Exhibit A: Site Aerial





## Exhibit B: Zoning Index Map A11



Planning Hearing Officer  
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## Exhibit C: Northeast Corner

**CITY OF PHOENIX PLANNING DEPARTMENT**  
**AHWATUKEE FOOTHILLS**  
**CITY COUNCIL DISTRICT 6**

APPLICANT'S NAME <b>W G FARMS LIMITED PARTNERSHIP</b>		REQUESTED CHANGE FROM: <b>RE-35 (APP. R-3A), RE-35 &amp; RE-43</b>	
APPLICATION NO. <b>10-96-6</b>	HEARING DATES Z.H.O. P.C. C.C. 12/18/95		TO: <b>CP/GCP</b>
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. <b>31.76 ACRES</b>	AERIAL PHOTO & QUARTER SEC. NO. <b>09-39</b>	ZONING MAP <b>B-11</b>	
MULTIPLES PERMITTED	UNITS STANDARD OPTION	* UNITS P.R.D. OPTION	

\* MAXIMUM UNITS ALLOWED WITH P.R.D. BONUS



# City of Phoenix

PLANNING DEPARTMENT

February 9, 1996

Winner of the  
Carl Bertelsmann  
Prize



W G Farms Limited Partnership  
2910 E. Camelback Rd. #180  
Phoenix, AZ 85016

Dear Applicant:

RE: APPLICATION 10-96-6

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 506.B.4 of the Zoning Ordinance, as amended, has on February 7, 1996, concurred in the recommendation of the Planning Commission and Zoning Hearing Officer and has approved Application 10-96-6 for CP/GCP zoning on a parcel located on the west side of I-10, approximately 1,000 feet south of Ray Road centerline (approximately 31.76 acres), subject to stipulations.

## STIPULATIONS

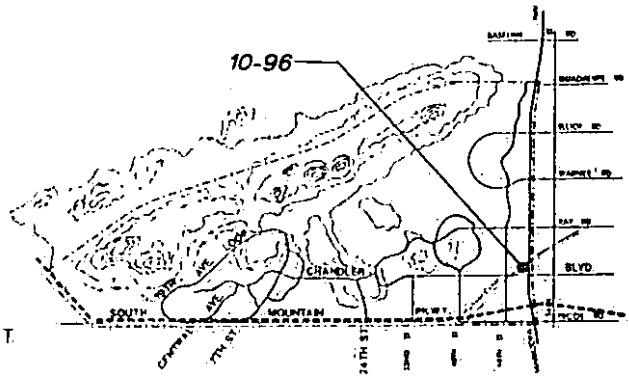
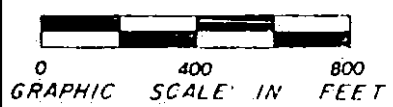
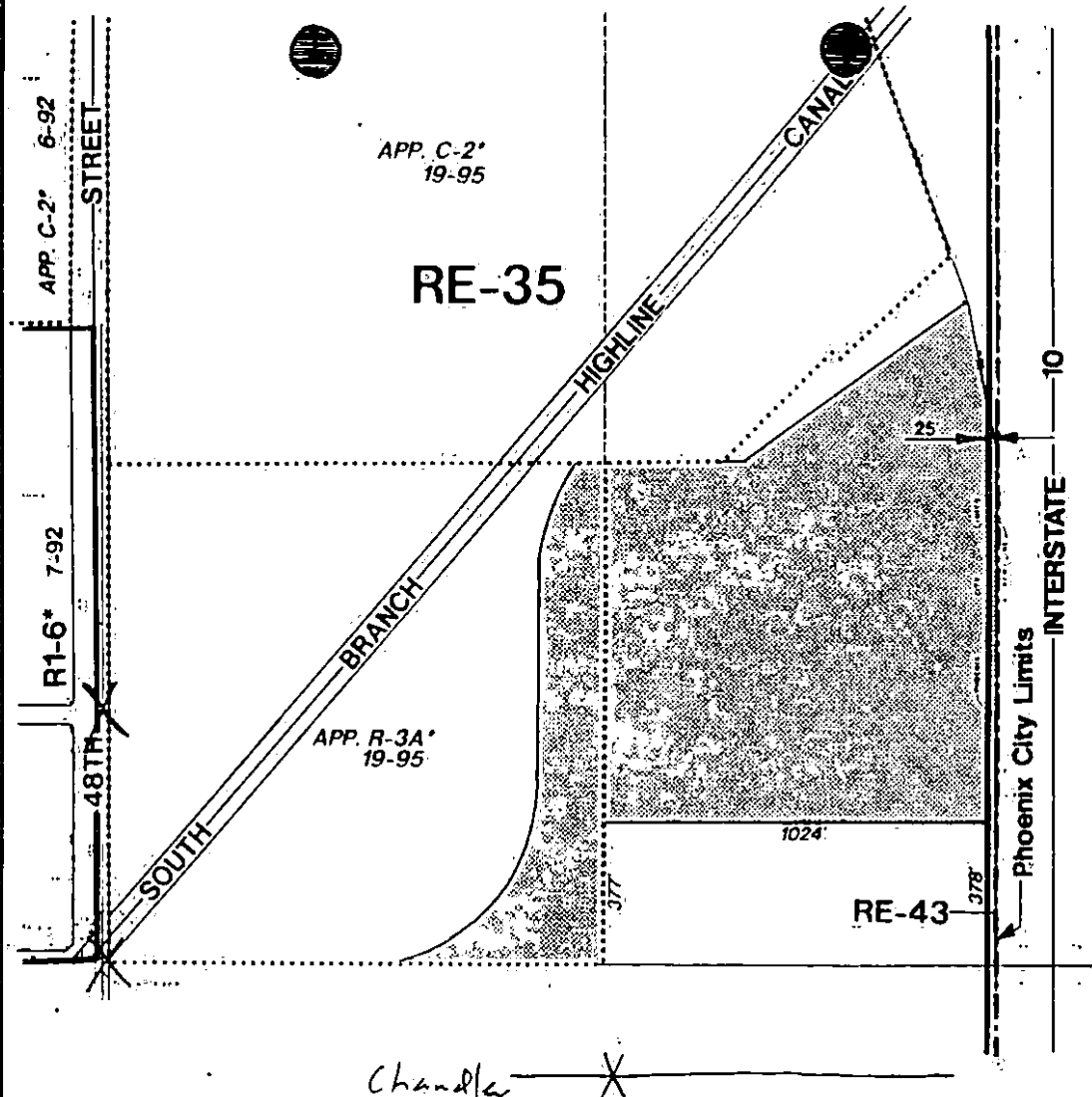
- Del 1. That development be in general conformance with the site plan dated October 1995, as may be modified by the following stipulations and review by the Development Services Department.
- Del 2. That building elevations shall be consistent and continuous in design and materials around the building.
- Del 3. That all loading docks shall be screened from view and shall not be located such that they face the east side of the property.

Sincerely,

Mark A. Steele  
Principal Planner

MAS:lfg:10961218/01100207

c: City Clerk  
Randy Watson  
Scott Weeks (1)  
Files (3)  
Dave Moody, Development Services  
Bob Luxton, Sign Enforcement  
Victor Morrison-Vega, NSD  
Kelly Zak, Site Planning  
Ben Leonard, Public Transit  
Rick Doell, Building Safety  
Steven Anderson, Gammage & Burnham, 2 N. Central Ave., 18th Fl., Phx, AZ 85004

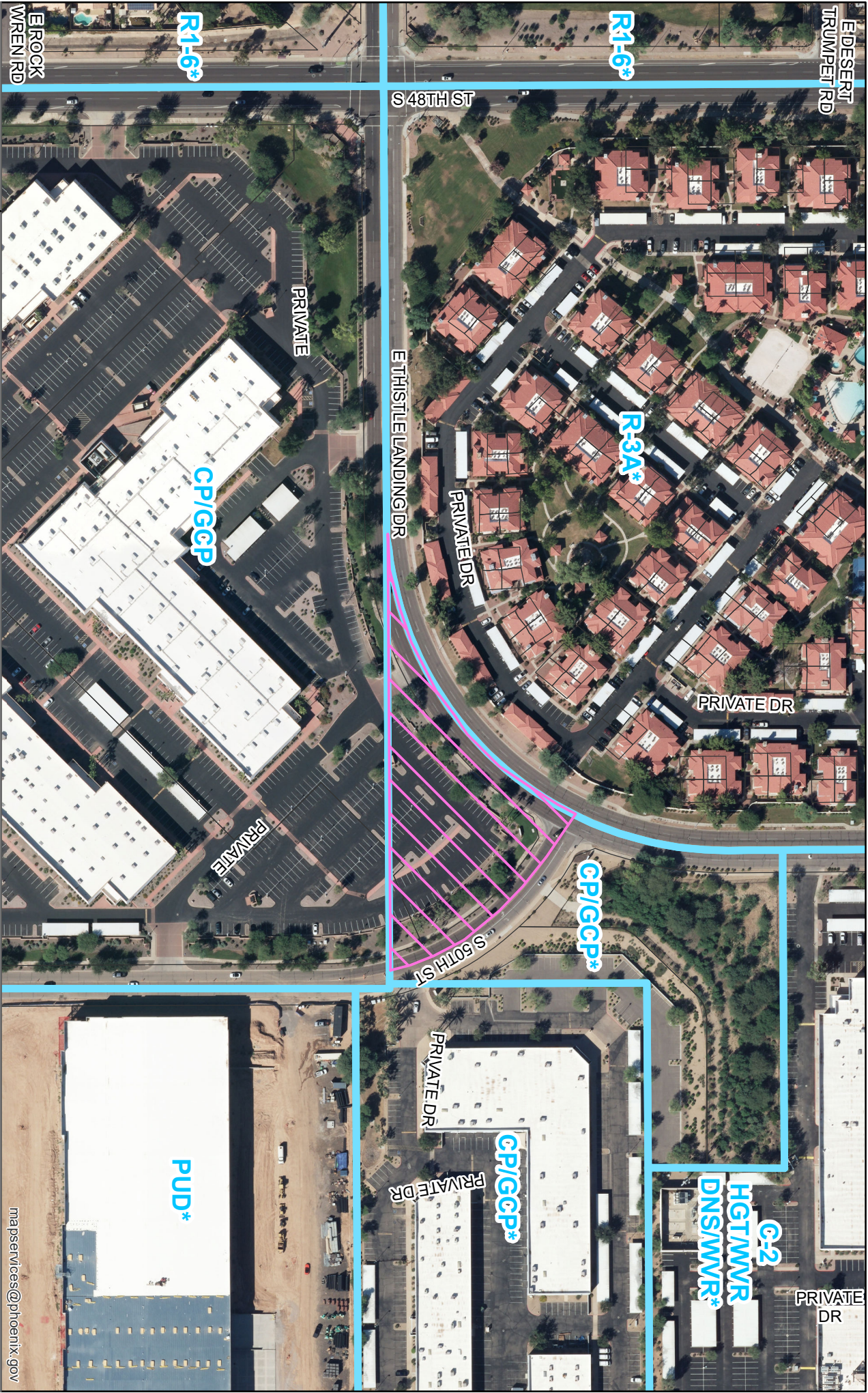


CITY OF PHOENIX PLANNING DEPARTMENT  
**AHWATUKEE FOOTHILLS**  
 CITY COUNCIL DISTRICT 6

APPLICANT'S NAME <b>W G FARMS LIMITED PARTNERSHIP</b>		REQUESTED CHANGE FROM: <b>RE-35</b> (24.71 AC) <b>RE-35</b> (APP. R-3A) (8.47 AC) & <b>RE-43</b> (0.58 AC) TO: <b>CP/GCP</b>	
APPLICATION NO. <b>10-96-6</b>	HEARING DATES Z.H.O.      P.C.      C.C.		
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. <b>31.76</b> ACRES	AERIAL PHOTO & QUARTER SEC. NO. <b>09-39</b>	ZONING MAP <b>B-11</b>	
MULTIPLES PERMITTED	UNITS STANDARD OPTION		* UNITS P.R.D. OPTION

\* MAXIMUM UNITS ALLOWED WITH P.R.D. BONUS

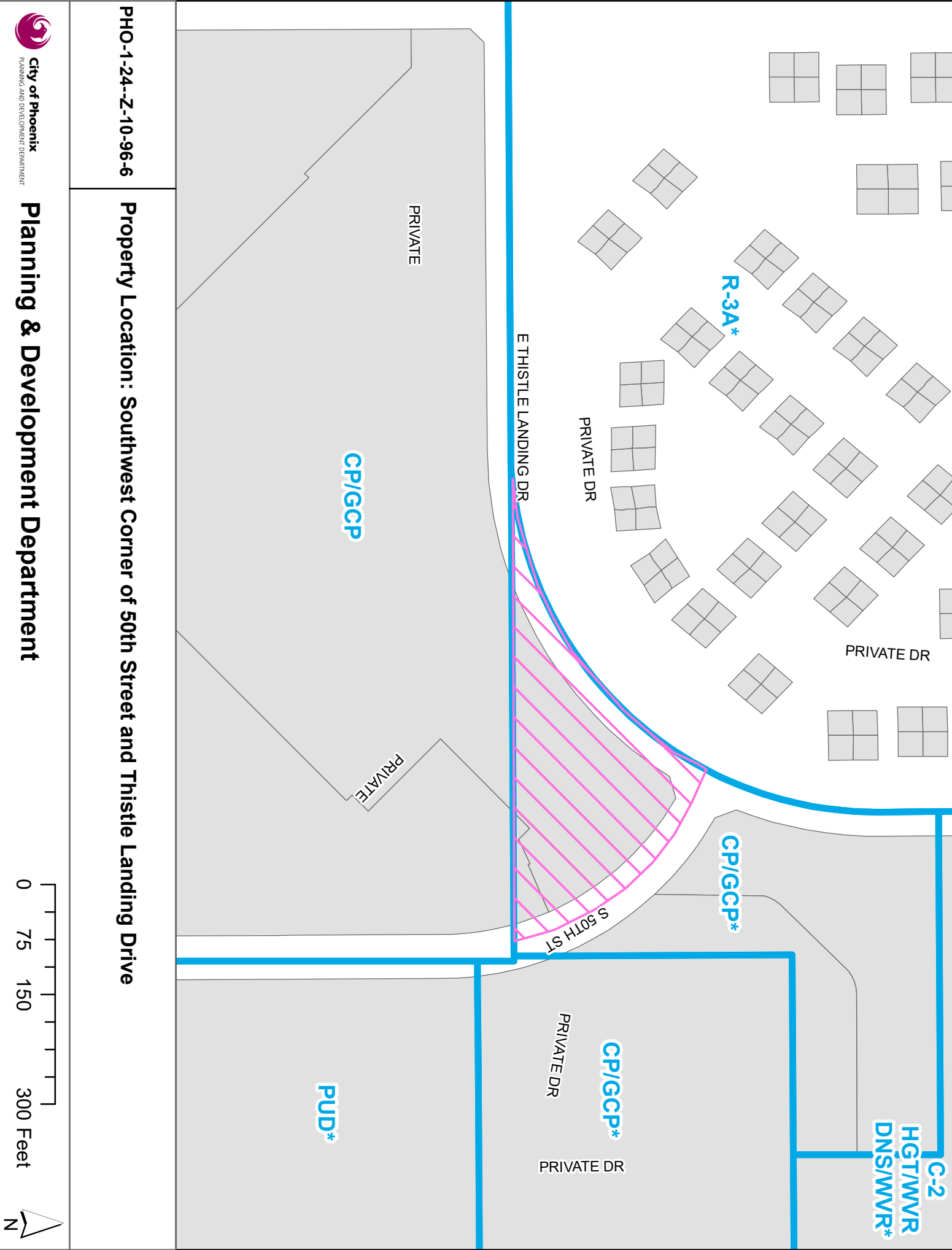




PHO-1-24--Z-10-96-6

Property Location: Southwest Corner of 50th Street and Thistle Landing Drive





PHO-1-24--Z-10-96-6

Property Location: Southwest Corner of 50th Street and Thistle Landing Drive

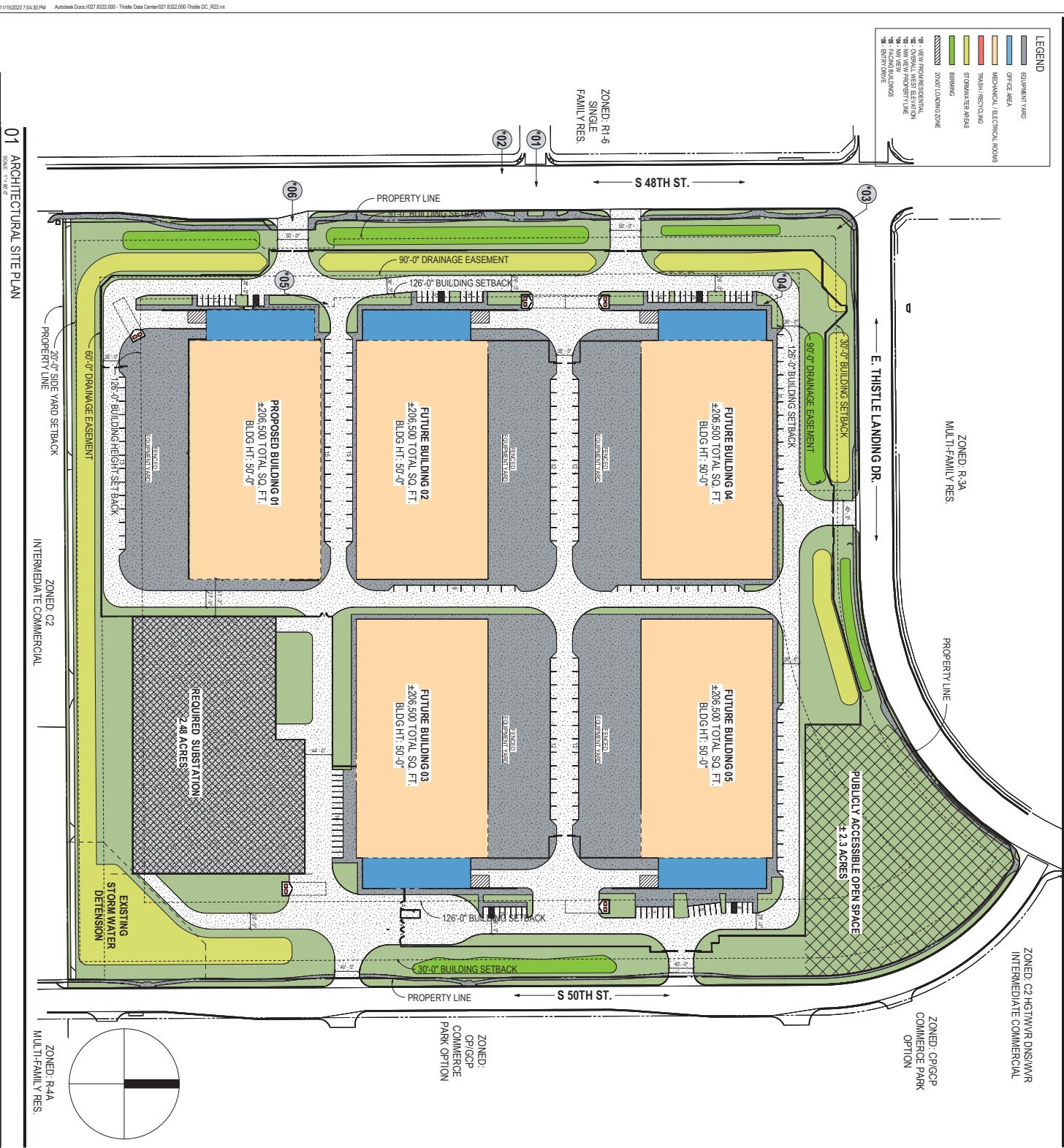


City of Phoenix  
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department



01 ARCHITECTURAL SITE PLAN



**PROJECT INFORMATION**

**PROJECT NAME:** EAST THISTLE DATA CENTER

**PROJECT ADDRESS:** 4801, 4803, 4809 AND 4811  
EAST THISTLE LANDING DRIVE  
PHOENIX, ARIZONA

**OWNER:** MENTLO EQUITIES

**PROJECT:** GENSER  
5009 GREENVILLE AVE  
DALLAS, TEXAS 75206

**EXISTING ZONING:** CHICAGO COMMERCE PARK  
OPTION

**PROPOSED ZONING:** CHICAGO COMMERCE PARK  
OPTION

**APPROVED BUILDING HEIGHT:** 50' WITH USE PERMIT A SITE  
PLAN

**GENERAL NOTES**

1. SEE SPECIFICATIONS AND NOTES FOR THE SITE PLAN FOR THE CHICAGO COMMERCE PARK OPTION.

2. ALL PARKING AND DRIVEWAYS SHALL BE PAVED.

3. ANY LIGHTING SHALL BE PLACED SO AS TO DIRECT LIGHT DOWNWARD AND NOT CAUSE GLARE AT THE PROPERTY LINE.

4. ALL STRUCTURES SHALL BE CONSTRUCTED TO MEET THE REQUIREMENTS OF THE CITY OF PHOENIX AND THE ARIZONA DEPARTMENT OF TRANSPORTATION AND OTHER MECHANICAL AND ELECTRICAL EQUIPMENT SHALL BE LOCATED IN THE UNDERGROUND TUNNELS.

5. SHARED WATER AND SEWER CONNECTIONS SHALL BE PROVIDED FOR THE PROJECT AND THE ADJACENT PROJECTS.

6. ALL STRUCTURES SHALL BE CONSTRUCTED TO MEET THE REQUIREMENTS OF THE CITY OF PHOENIX AND THE ARIZONA DEPARTMENT OF TRANSPORTATION AND OTHER MECHANICAL AND ELECTRICAL EQUIPMENT SHALL BE LOCATED IN THE UNDERGROUND TUNNELS.

**GENERAL INFORMATION**

**PROJECT NAME:** EAST THISTLE DATA CENTER

**PROJECT ADDRESS:** 4801, 4803, 4809 AND 4811  
EAST THISTLE LANDING DRIVE  
PHOENIX, ARIZONA

**OWNER:** MENTLO EQUITIES

**PROJECT:** GENSER  
5009 GREENVILLE AVE  
DALLAS, TEXAS 75206

**EXISTING ZONING:** CHICAGO COMMERCE PARK  
OPTION

**PROPOSED ZONING:** CHICAGO COMMERCE PARK  
OPTION

**APPROVED BUILDING HEIGHT:** 50' WITH USE PERMIT A SITE  
PLAN

**MENTLO EQUITIES**

PHOENIX, ARIZONA

**Gensler**

300 N. GILBERT STREET  
SUITE 1700  
DALLAS, TEXAS 75202



Plant Materials Legend

Tree (in.)	CAL
Chitalpa tashkentensis	1 1/2"
Chitalpa	1 1/2"
Ebenopsis ebano	1 1/2"
Texas Ebony	1 1/2"
Eucalyptus papuana	1 1/2"
Ghost Gum	1 1/2"
Olea europaea 'Wilsonii'	1 1/2"
Wilsonii Olive	1 1/2"
Olneya tesota	1 1/2"
Desert Ironwood	1 1/2"
Parkinsonia praecox	1 1/2"
Palo Brea	1 1/2"
Pistada chinensis	1 1/2"
Chinese Pistache	1 1/2"
Possonis hybrid	1 1/2"
Thornless Mesquite	1"
Quercus fusiformis	1 1/2"
Escarpment Oak	1 1/2"
Ulmus parvifolia 'Bosque'	1 1/2"
Bosque Elm	1 1/2"
Vitex agnus-castus	1 1/2"
Chaste Tree	

Groundcovers	Size
Convolvulus mauritanicus	1 gal.
Ground Morning Glory	
Erenophila prostrata	
Outback Sunrise Erenophila gail	
Lantana sp.	1 gal.
New Gold Lantana	
Lantana sp.	1 gal.
New Red Lantana	
Hymenoxys acutis	1 gal.
Argemilla Daisy	1 gal.
Teucrium chamaedrys 'prostratum'	1 gal.
Prostrate Germander	
Cacti/ Accents	Size

Large Shrubs	Size
Bougainvillea 'Roseika'	5 gal.
Roseika Bougainvillea	
Casatropia mexicana	5 gal.
Mexican Bird of Paradise	
Casatropia pulcherrima	5 gal.
Red Bird of Paradise	
Cordia parvifolia	5 gal.
Little Leaf Cordia	
Dodonaea viscosa	5 gal.
Green Hopseed Bush	
Teocoma Stans	15 gal.
Yellow Bells	
Teocoma x Bells of Fire'	5 gal.
Bells of Fire	
Medium Shrubs	Size
Cassia nemophila	5 gal.
Desert Cassia	
Leucophyllum lanuginiae 'Lynn's Legacy'	5 gal.
Lynn's Legacy Sage	
Small Shrubs	Size
Erenophila glabra spp. carnosia	5 gal.
Winter Blaze	
Erenophila hygrophana Blue Bells	5 gal.
Blue Bells	
Leucophyllum frutescens 'Compact'	5 gal.
Compact Texas Sage	
Leucophyllum x 'Heavenly Cloud'	5 gal.
Heavenly Cloud Sage	
Nerium oleander 'Little Red'	5 gal.
Little Red Oleander	
Ruellia brittaniana	5 gal.
Russian Sage	
Rosmarinus officinalis	5 gal.
Rosemary	
Ruellia peninsularis	5 gal.
Desert Ruellia	

Vines	Size
Rosa banksiae	5 gal.
Lady Bank's Rose	
Inerts	Qty
Decomposed Granite: 7/8" Screened	
Shrub: Carmel - Rock Pros	
Midiron Sod	
See Detail 5, Sheet LA6.1	

- NOTES:
1. QUANTITIES SHOWN FOR SUBMITTAL PURPOSES ONLY.
  2. ALL QUANTITIES SHOWN ARE FOR THE LANDSCAPE ARCHITECTS ESTIMATING PURPOSES ONLY AND THEREFORE ARE NOT GUARANTEED. THE CONTRACTOR SHALL CALCULATE QUANTITIES BASED ON THIS DRAWING SET.
  3. ALL TREES SHALL COMPLY WITH THE LATEST AMENDED EDITION OF THE "ARIZONA NURSERY ASSOCIATION - RECOMMENDED TREE SPECIFICATIONS."

LEGEND

OFFICE
EQUIPMENT YARD
FACILITY

CITY OF PHOENIX

DEC 11 2023

Planning & Development  
Department



THISTLE DATA CENTER

SITE PLAN

PHO-1-24--Z-10-96-6

Proposed Conceptual Landscape Plan



Scale 1" = 80'

Date: 11-16-2023

ABLASTUDIO.COM



Hearing Date: February 21, 2024



<div> <div>NOT FOR CONSTRUCTION</div> <div>00000000</div> </div>	<div>Project Name</div> <div>THISTLE DATA CENTER</div>	<div>Project Number</div> <div>27 8322 000</div>	<div>Location</div> <div>ARCHITECTURAL ELEVATIONS</div>	<div>Scale</div> <div>AS NOTED</div>	<div>Sheet Name</div> <div>SD0.02</div>	<div>Design</div> <div></div>
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February 7, 1996

DISTRICT 7 -  
OWNER: MARLA KAY MORTON  
REPRESENTATIVE: DAVE  
PATEL

- G. Application 1-96-7: Request to rezone a parcel located on the south side of McDowell Road, approximately 250 feet west of 52nd Drive centerline (approximately 3.28 acres) from R1-6 to R-5. This application would increase the dwelling units allowed from 17 to 171 units. (Proposed Use: Motel)

The Planning Commission concurred with the Zoning Hearing Officer and recommends this request be approved, subject to stipulations.

**MOTION** was made by Mr. Nelson, **SECONDED** by Mr. DiCiccio, that Item 24 A-G be granted as recommended, noting that 24 C was being withdrawn. **MOTION CARRIED UNANIMOUSLY.**

Mr. Muenker asked that Item C be withdrawn. It was incorrectly identified on the agenda and would be brought back later.

**ITEM 24**

DISTRICTS 2, 3, 5, 6 AND 7 -  
ZONING CASES SCHEDULED  
FOR RATIFICATION OF  
PLANNING COMMISSION  
ACTION - F-2700

The Council heard request to approve recommendations made on the following zoning matters which were heard by the Zoning Hearing Officer on December 18, 1995. The cases were ratified by the Planning Commission on January 10, 1996.

DISTRICT 3 -  
OWNER: RICHARD D.  
OWENS/CITY OF PHOENIX  
REPRESENTATIVE: KEN  
O'DELL

- A. Application 8-96-3: Request to rezone the southeast corner of 15th Avenue and Tierra Buena Lane (approximately 20.30 acres) from S-1 (approved Ind. Pk.) And R1-6 to R1-8 PRD. This application would increase the dwelling units allowed from 25 to 104 units. (Proposed Use: Planned Residential Developments - 93 lots)

The Planning Commission concurred with the Zoning Hearing Officer and recommends this request be approved, subject to stipulations.



February 7, 1996

DISTRICT 6 -  
OWNER: W G FARMS LIMITED  
PARTNERSHIP  
REPRESENTATIVE: STEPHEN  
ANDERSON

- E. Application 10-96-6: Request to rezone the west side of I-10, approximately 1,000 feet south of Ray Road centerline (approximately 31.76 acres) from RE-35 (approved R-3A) and RE-43 to CP/GCP. (Proposed Use: Commerce Park Office Complex)

The Planning Commission concurred with the Zoning Hearing Officer and recommends this request be approved, subject to stipulations.

DISTRICT 6 -  
OWNER: SCHAEFER-SMITH-  
ANKENEY INSURANCE  
AGENCY  
REPRESENTATIVE: JOHN  
SMALES

- F. Application 7-96-6: Request to rezone a parcel located on the north side of Osborn Road, approximately 266 feet east of 20th Street centerline (approximately 0.25 acre) from R-4 to P-1. (Proposed Use: Parking)

The Planning Commission concurred with the Zoning Hearing Officer and recommends this request be approved, subject to stipulations.

DISTRICT 7 -  
OWNER: DONALD CHAPMAN  
REPRESENTATIVE: DONALD  
CHAPMAN

- G. Application 6-96-7: Request to rezone a parcel located on the northeast corner of 30th Drive and Buckeye Road (approximately 0.50 acre) from R-3 and C-3 to C-3. (Proposed Use: Commercial Buildings - existing)

The Planning Commission concurred with the Zoning Hearing Officer and recommends this request be approved, subject to stipulations.

MOTION was made by Mr. Nelson, SECONDED by Mr. DiCiccio, that Item 25 A-B be granted as recommended. MOTION CARRIED UNANIMOUSLY.

ITEM 25

DISTRICTS 3 AND 8 -  
ZONING CASES SCHEDULED  
FOR RATIFICATION OF  
PLANNING COMMISSION  
ACTION - F-2700

The Council heard request to approve recommendations made on the following zoning matters which were heard by the Zoning Hearing Officer on January 2, 1996. The cases were ratified by the Planning Commission on January 10, 1996.



**SUMMARY OF ZONING HEARING OFFICER**  
**December 18, 1995**

**ITEM NO.: 6**

**DISTRICT NO: 6**

**SUBJECT**

Application:

10-96-6

Location:

West side of I-10 Freeway, approximately 1,000 feet south of Ray Road centerline (approximately 31.76 acres)

Request:

Rezone from RE-35 (approved R-3A) and RE-43 to CP/GCP

**ACTIONS**

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

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

**Z. H. O. HEARING HIGHLIGHTS**

Staff - Mr. Muenker stated this application is consistent with the site's designation by the General Plan, and will provide a mix of use and employment opportunities for the Ahwatukee Foothills area. The staff recommendation of approval, with stipulations, further notes the land use transition the project serves with the adjoining freeway, commercial and multifamily uses.

Applicant - Mr. Stephen Anderson, representing the applicant, reviewed the site characteristics and surrounding transition of land uses. He stated this request is supported by the Ahwatukee Foothills Village Planning committee and adjacent neighborhoods, and is consistent with the recent General Plan amendment. He noted agreement with the staff recommendation and stipulations.

Opposition - None.

ZHO - Ms. Cynthia Standage-Beier reviewed the land use issues, noting this request adopts zoning as recommended by the General Plan amendment. This request maintains the land use intent of the General Plan and provides a good buffer from the freeway to adjacent land uses. The inclusion of this land use, along with the commercial/retail and multifamily provide a good variety of land uses. She concurred with the staff recommendation and stipulations.

**FINDINGS**

1. This proposal is consistent with the General Plan Land Use map designation of commercial/commerce park.
2. This request is consistent with the goals and policies of the Ahwatukee Foothills General Plan (Area B) to provide a mix of uses and employment opportunities.
3. This project would serve as a good land use transition between existing and planned uses in the area, such as the freeway, and the multifamily, the shopping center and the school.

## RECOMMENDATION

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

## STIPULATIONS

1. That development be in general conformance with the site plan dated October 1995, as may be modified by the following stipulations and review by the Development Services Department.
2. That building elevations shall be consistent and continuous in design and materials around the buildings.
3. That all loading docks shall be screened from view and shall not be located such that they face the east side of the property.

Cynthia Standage to 12-22-95  
Zoning Hearing Officer Date

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

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

# Ahwatukee Foothills

## VILLAGE PLANNING COMMITTEE

### AHWATUKEE FOOTHILLS VILLAGE PLANNING COMMITTEE

#### MINUTES

DATE: November 27, 1995  
TIME: 6:00 p.m.  
PLACE: Kyrene Monte Vista Elementary School  
15221 South Ray Road  
Phoenix, AZ 85044

#### MEMBERS PRESENT

Robert Wasson, Chairman  
Annette Younkens, Vice-Chair  
Don Ascoli, Sr.  
Robert Corcoran  
Becca Jolkovski  
Don Keuth  
Diane McVicker  
Max Masel  
Kelly Meenan-Stark  
Barry Moehring  
Kathryn Muller-Kowalski  
Jack Penland  
Terri Sniegowski

#### MEMBERS ABSENT

Raymond Argel  
Jess Flores  
Tony Hudson  
Robert Larchick

#### GUESTS

Stephen Anderson, Gammage &  
Burnham  
Paul Gilbert, Beus, Gilbert & Morrill  
Brad Wylde, M&B Investments  
Sue Wedin, resident  
Joan McMullen, resident  
Virginia Morton, resident  
Tiny Bettencourt, resident

#### STAFF

Jane Bixler, Planning Department

Terri Sniegowski made a motion to deny the application. Diane McVicker seconded the motion. Those in favor of the motion were Jack Penland, Kelly Meenan-Stark, Max Masel, Don Ascoli, Robert Wasson, Terri Sniegowski, Robert Corcoran, Becca Jolkovski and Diane McVicker. Those opposed were Don Keuth, Barry Moehring, Kathryn Muller-Kowalski.

**\*\* 10-96-6 West side of 1-10 to rezone from RE-35 to CP/GCP**

Stephen Anderson of Gammage & Burnham and Brad Wylde of M&B Investments spoke to the Committee regarding the history of this case. Mr. Anderson indicated that this change is requested since the parcel is "buried" between both the retail center and multi-family complex. It is felt that the commerce park would also act as a buffer between the retail center and the proposed elementary and middle schools. Mr. Anderson also indicated that this commerce park may take 5-10 years to be occupied but it is felt that this would be a good for smaller users.

Jane Bixler stated that the Staff's recommendation is for approval of the application.

Sue Wedin, a resident, asked the Committee to consider signage restrictions in the commerce park area. Ms. Bixler stated that the signage is controlled by city ordinances. Chairman Wasson recommended that the Committee leave any signage restrictions up to the Planning Commission.

Don Keuth made a motion to approve the application. Terri Sniegowski seconded the motion and was passed unanimously.

**3. Review, Discussion and Possible Action to Accept the Update of Future Swimming Pool and Park.**

Jane Bixler reported that she has spoken to Bruce Swanson of the Parks & Recreation Department. She apologized for the miscommunication regarding the building of an Olympic-size swimming pool. Mr. Swanson said that a pool would be built in the Ahwatukee Foothills area but it would not be Olympic size and was unsure as to when it would be built. Ms. Bixler asked Mr. Swanson to come before the Committee to report on the status of a pool and future parks. He would be able to come to the January Committee meeting.

Don Keuth asked that a special invitation be made to the YMCA, Tempe Union Governing Board, Kyrene Schools, Councilman D'Ciccio and any other interested parties to the January Committee meeting. All those interested in an Olympic-size pool should work together, if possible.