

PLEASE RESPOND ELECTRONICALLY TO BRAD WYLAM 2ND FLOOR, 602-256-3322



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Departments Concerned **Date:** November 10, 2021
From: Alan Stephenson
Planning & Development Department Director
Subject: **P.H.O. APPLICATION NO. PHO-1-21--Z-128-07-1** – 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 **December 15, 2021**.
2. Information about this case is available for review at the Zoning Counter in the Planning and Development Department on the 2nd Floor of Phoenix City Hall, telephone 602-262-7131, Option 6.
3. Staff, please indicate your comments and respond electronically to pdd.pho@phoenix.gov or you may provide hard copies at the Zoning Counter in the Planning and Development Department on the second floor of Phoenix City Hall by **November 15, 2021**.

DISTRIBUTION

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City Council (Sina Matthes, Tony Motola), 11th Floor
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Street Transportation Department (Maja Brkovic, Alan Hilty, Chris Kowalsky), 5th Floor
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Water Services (Don Reynolds, Victor Romo), 8th Floor
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Planning and Development/Information Services (Ben Ernyei, Andrew Wickhorst), 4th Floor
Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor
Planning Hearing Officer (Tricia Gomes, Adam Stranieri, Brad Wylam), 2nd Floor
Village Planner (David Simmons, Deer Valley Village)
Village Planning Committee Chair (Joseph A. Grossman, Deer Valley)



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-1-21--Z-128-07

Council District: 1

Request For: Stipulation Modification

Reason for Request: Review of conceptual site plans and elevations per Stipulation 1. Modification of Stipulation 5 regarding dedication of 33 feet of right-of-way for the north half of Alameda Road. Technical corrections to Stipulations 2, 3, and 4.

Owner	Applicant	Representative
2001 Landgroup LLP	Ed Bull, Burch & Cracchiolo, P.A.	Ed Bull, Burch & Cracchiolo, P.A.
2555 East Camelback Road, Suite 100	1850 North Central Avenue, Suite 1700	1850 North Central Avenue, Suite 1700
Phoenix AZ 85016	Phoenix AZ 85004	Phoenix AZ 85004
(602) 648-5073	(602) 234-9913	P: (602) 234-9913 F: (623) 381-1920
sean.cummings@opus-group.com	ebull@bcattorneys.com	ebull@bcattorneys.com

Property Location: Approximately 800 feet east of 19th Avenue and the Alameda Road alignment

Zoning Map: <u>O-7</u>	Quarter Section: <u>46-25</u>	APN: <u>210-07-011</u>	Acreage: <u>5.12</u>
Village: <u>Deer Valley</u>			
Last Hearing: <u>CC RATIFICATION</u>			
Previous Opposition: <u>No</u>			
Date of Original City Council Action: <u>06/04/2008 0300 PM</u>			
Previous PHO Actions: _____			
Zoning Vested: <u>CP/GCP DVAO</u>			
Supplemental Map No.: _____			
Planning Staff: <u>066840</u>			

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

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

Fee	Fee Waived	Fee Date	Receipt	Purpose
\$1,080.00	\$0.00	10/22/2021	21-0101203	Original Filing Fee

Signature of Applicant: _____ DATE: _____

Hearing Results

Planning Hearing Officer	Planning Commission	City Council
Date: <u>12/15/2021 1000 AM</u>	Date: _____	Date: _____
Appealed?: _____	Appealed?: _____	
Action: _____	Action: _____	Action: _____



BURCH & CRACCHIOLO

BCATTORNEYS.COM

EDWIN C. BULL
DIRECT LINE: 602.234.9913
DIRECT FAX: 602.850.7913
EBULL@BCATTORNEYS.COM

October 22, 2021

VIA HAND-DELIVERY

Mr. Adam Stranieri
Planning Hearing Officer
City of Phoenix
Planning and Development Department
200 W. Washington St., 2nd Floor
Phoenix, Arizona. 85003

RE: PHO Stipulation Modifications from Z-129-07, Z-128-07, and Z-18-10
Opus Deer Valley - Alameda Road and 15th Avenue

Dear Mr. Stranieri:

This application seeks to modify stipulations from three separate zoning cases (Z-129-07, Z-128-07, and Z-18-10). Opus Deer Valley ("Opus") is the proposed developer of a total of approximately 30.28 acres of vacant desert land located in the vicinity of Alameda Road and 15th Avenue ("Site"). The Site is comprised of three smaller sub-sites. An aerial outlining the Site is attached as **Exhibit 1**; A zoning map identifying the Site and its three sub-sites is attached at **Exhibit 2**. The sub-sites will be referred to as the "West Site," the "Central Site," and the "East Site." The West Site was zoned by Z-128-07 and is outlined in yellow on Exhibit 2. The Central Site was zoned by Z-129-07 and is outlined in green on Exhibit 2. The East Site was zoned by Z-18-10 and is outlined in orange on Exhibit 2. Opus is under contract to purchase the Site and will develop the Site with Class A industrial warehouse buildings. To achieve this, we request the PHO's approval of Opus' Site Plan and Elevations in accordance with the Zoning Stipulations as well as modification of other Zoning Stipulations. We further request that the three sub-sites/cases be heard and evaluated together as Opus intends to develop them as a single Site.

In summary, we are requesting that the PHO:

1. Approve the conceptual site plans and elevations for the approximately 30 acres (which is stipulation 1 in all 3 cases); and
2. Modify right-of-way dedications and improvement requirements for 15th Avenue and Parkview Lane as follows:
 - a. As to 15th Avenue, that the developer shall dedicate 60' of right-of-way and construct 15th Avenue for the full limits of the project per Cross Section F identified on the City of Phoenix Street Classification Map, or as modified and approved by the Planning and Development Department. The necessity of 15th Avenue dedication and construction may be evaluated for future need, based upon subsequent development submittals and traffic impact analysis.

- b. As to Parkview Lane, that the developer shall dedicate 30' for the south-half right-of-way and construct Parkview Lane as approved by the Planning and Development Department. The necessity of Parkview Lane dedication and construction may be evaluated for future need, based upon subsequent development submittals and traffic impact analysis.

I. West Site – Z-128-07

The West Site covers approximately 5.12 acres and was zoned in 2007 for CP/GCP DVAO (Commerce Park/General Commerce Park with Deer Valley Airport Overlay) uses by Ordinance G-5167. See Exhibit 2, Zoning Map. The Ordinance includes five zoning stipulations. See Exhibit 3, Ordinance G-5167. We are requesting Site Plan and Elevation approval in accordance with Stipulation 1 as well as a consequential modification of Stipulation 1.

Requests

Stipulation No. 1 – Modification – ~~“That conceptual site plan(s) and elevations shall be approved by the Planning Hearing Officer through the public hearing process prior to Development Services Department preliminary site plan approval. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Development Services Department.~~ **The development shall be in general conformance with the site plan and elevations date stamped XXX, as modified by the following stipulations and approved by the Planning and Development Department.**

- Rationale – As the PHO approval of the site plan and elevations will necessitate an update reflecting the approval and conformance requirement. The conceptual site plan and elevations illustrate Opus' proposed Class A industrial warehouse buildings, which are appropriate for the vacant and unutilized Site.

Stipulation No. 5 – Modification of Alameda Road – ~~“That the developer shall dedicate 33~~ **40** feet of right-of-way for the north half of Alameda Road as approved by the Street Transportation and **Planning and** Development Services Departments.

- Rationale – The Ordinance for the East Site (which was approved 2 years after this zoning case) was stipulated to a 40' half street right-of-way for Alameda Road (See Exhibit 5, Stipulation 2). In addition, the Mack Property zoning case, which is south of Opus' Site, was recently approved by Ordinance No. G-6797 on January 29, 2021. Stipulation 3 stipulated to a 40' right-of-way for the south half of Alameda Road. Stipulating to 40' of right-of-way on the north half of Alameda Road will be consistent with what has been recently approved on the south half of Alameda Road.

II. Central Site – Z-129-07

The Central Site covers approximately 20 acres and was zoned in 2007 for CP/GCP DVAO (Commerce Park/General Commerce Park with Deer Valley Airport Overlay) uses by Ordinance

G-5168. *See* Exhibit 2, Zoning Map. The Ordinance includes five zoning stipulations. *See* **Exhibit 4**, Ordinance G-5168. We are requesting Site Plan and Elevation approval in accordance with Stipulation 1 as well as a consequential modification of Stipulation 1 and a modification of Stipulation 5.

Requests

Stipulation No. 1 – Modification – ~~“That conceptual site plan(s) and elevations shall be approved by the Planning Hearing Officer through the public hearing process prior to Development Services Department preliminary site plan approval. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Development Services Department. **The development shall be in general conformance with the site plan and elevations date stamped XXX, as modified by the following stipulations and approved by the Planning and Development Department.**”~~

- Rationale – As the PHO approval of the site plan and elevations will necessitate an update reflecting the approval and conformance requirement. The conceptual site plan and elevations illustrate Opus’ proposed Class A industrial warehouse buildings, which are appropriate for the vacant and unutilized Site.

Stipulation No. 5 – Modification of 15th Avenue and Parkview Lane - “That the developer shall dedicate right of ways for properties as approved by Street Transportation and **Planning and Development Services Departments** to include

- a. ~~33~~ **40** feet for the north half of Alameda Road
 - b. ~~33~~ **30** feet for the south half of Parkview Lane; **provided however, the necessity of the Parkview Lane dedication and construction may be evaluated for future need, based upon subsequent development submittals and traffic impact analysis.**
 - c. ~~66~~ **60** feet full width for 15th Avenue **and construct 15th Avenue for the full limits of the project per Cross Section F identified on the City of Phoenix Street Classification Map, or as modified and approved by the Planning and Development Department; provided however, the necessity of the 15th Avenue dedication and construction may be evaluated for future need, based upon subsequent development submittals and traffic impact analysis.**
 - d. 45 foot radius cul-de-sacs on Parkview Lane (**unless it is determined in accordance with above stipulation 5.b that Parkview Lane is not necessary**) and Alameda Road as approved the Street Transportation and **Planning and Development Services Departments.**
- Rationale – As the need for 15th Avenue and/or Parkview Lane is not yet clear, modifying the language to allow for more in-depth review and evaluation of the need for the 15th Avenue and Parkview Lane dedications will provide greater flexibility ensuring Opus is only responsible for providing necessary dedications such that Opus may effectively utilize

the Central Site in concert with the West and East Sites. The language will be modified to allow for more in-depth review of the need for the 15th Avenue and Parkview Lane dedications. Given the lack of access to 15th Avenue to the south, there is little practical benefit to requiring the 15th Avenue dedication on the Site. The property directly south referred to as the “Mack Property” is another industrial property with a similar stipulation. At present, 15th Avenue has not been dedicated or constructed on the Mack Property. The property south of the Mack Property is used for a high-performance automotive testing facility and does not include 15th Avenue.

Regarding Parkview Lane, that east-west alignment is not continuous or needed in this industrial area. The stipulation should be modified effectively deleting the Parkview Lane dedication. Given the nature of the area and the proposed development, the dedications are unnecessary and their removal will allow Opus to fully utilize the Site. Moreover, Alameda Road will be fully dedicated by Opus and the Mack Property. Alameda Road will provide appropriate access.

III. East Site – Z-18-10

The East Site covers approximately 5.16 acres and was zoned in 2010 for CP/CGP DVAO (Commerce Park/General Commerce Park with Deer Valley Airport Overlay) uses by Ordinance G-5574. *See* Exhibit 2, Zoning Map. The Ordinance includes four zoning stipulations. *See Exhibit 5*, Ordinance G-5574. We are requesting Site Plan and Elevation approval in accordance with Stipulation 1 as well as a consequential modification of Stipulation 1 and a modification of Stipulation 2.

Requests

Stipulation 1 - Modification – ~~“That conceptual site plan(s) and elevations shall be approved by the Planning Hearing Officer through the public hearing process prior to the Planning and Development Services Department preliminary site plan approval. This review is for conceptual purposes only. Specific development standards and requirements will be determined through the site plan approval process with the Planning and Development Services Department.~~ **The development shall be in general conformance with the site plan and elevations date stamped XXX, as modified by the following stipulations and approved by the Planning and Development Department.”**

- Rationale – As the PHO approval of the site plan and elevations will necessitate an update reflecting the approval and conformance requirement. The conceptual site plan and elevations illustrate Opus’ proposed Class A industrial warehouse buildings, which are appropriate for the vacant and unutilized Site.

Stipulation 2 – Modification of Parkview Lane – “That the developer shall dedicate right-of-way totaling 40 feet for the north half of Alameda Road and that right-of-way totaling 30 feet shall be dedicated for the south half of Parkview Road **Lane** as approved by the Street Transportation Department and the Planning **and** Development Services Department; **provided however, the necessity of the Parkview Lane dedication and construction may be evaluated for future need, based upon subsequent development submittals and traffic impact analysis.**

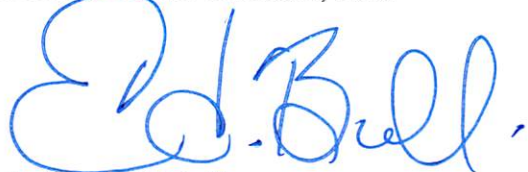
- Rationale – Deleting the Parkview Lane dedication will allow greater flexibility for design and effective use of the site in concert with the other sites. Moreover, Parkview Lane is not necessary for access to the Site or nearby sites. Alameda Road will provide more appropriate east-west access and will be fully dedicated by Opus and the Mack Property to the south. Given the industrial nature of the area, little traffic will be generated and it will not be necessary to create additional routes and access points.

IV. Conclusion

Opus’s proposed Class A industrial warehouse buildings are an appropriate use for the currently vacant and unutilized desert Site. The quality warehouse buildings will offer valuable jobs and services for nearby manufacturing and industrial uses. The stipulations should be modified as is described above in order to best achieve Opus’ proposed development in concert with other planned developments in the area.

Please contact Ali Bull (602-234-8747, abull@bcattorneys.com), Ricki Horowitz (602-234-8728, rhorowitz@bcattorneys.com), or me (602-234-9913, ebull@bcattorneys.com) if you have questions or need additional information. Thank you for your help and consideration.

Very truly yours,
BURCH & CRACCHIOLO, P.A.

A handwritten signature in blue ink that reads "Ed Bull". The signature is stylized with a large, looping "E" and a cursive "Bull".

Ed Bull and Ali Bull
For the Firm

AMB/ECB
Attachments

Exhibit 1

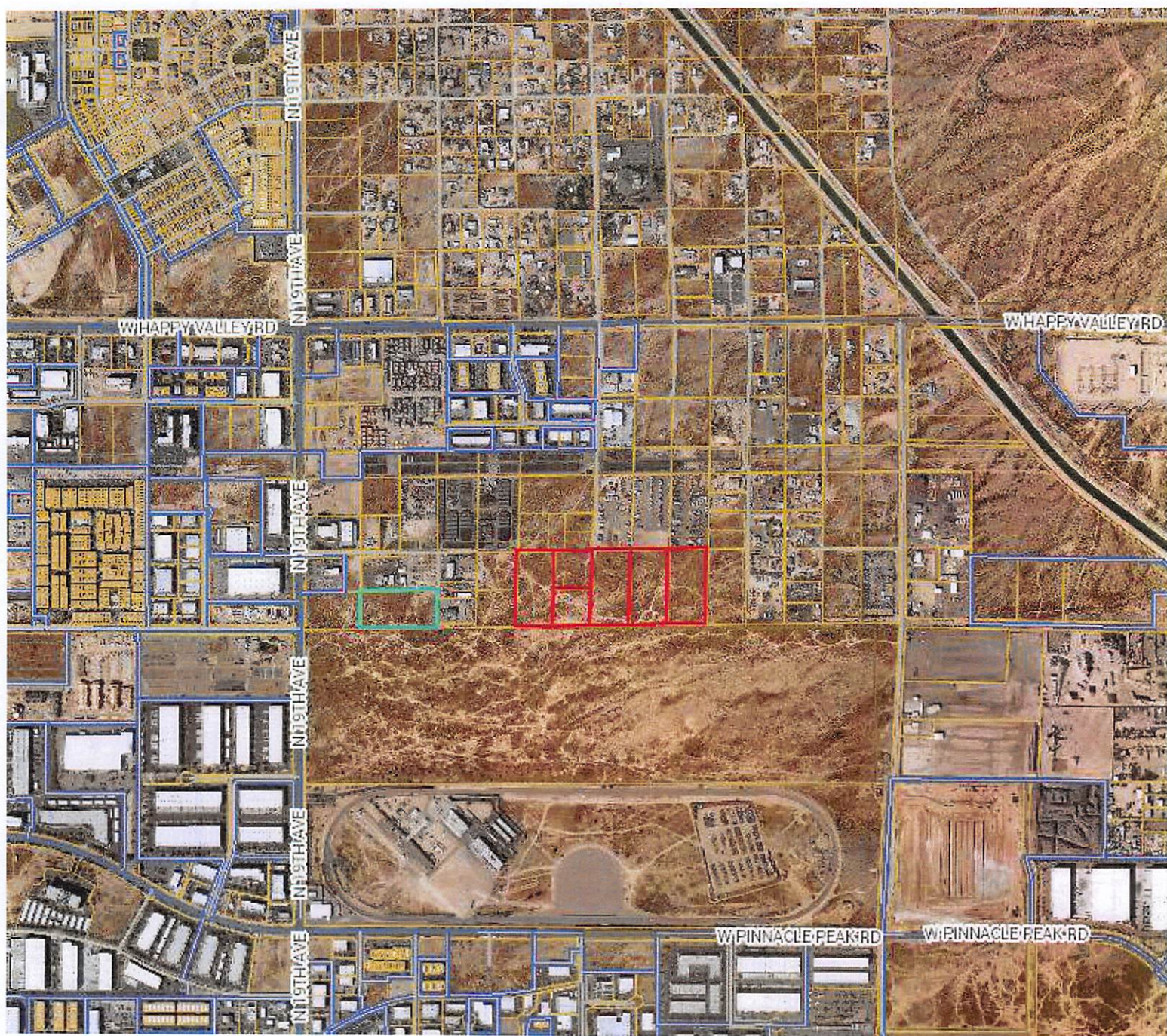


Exhibit 2

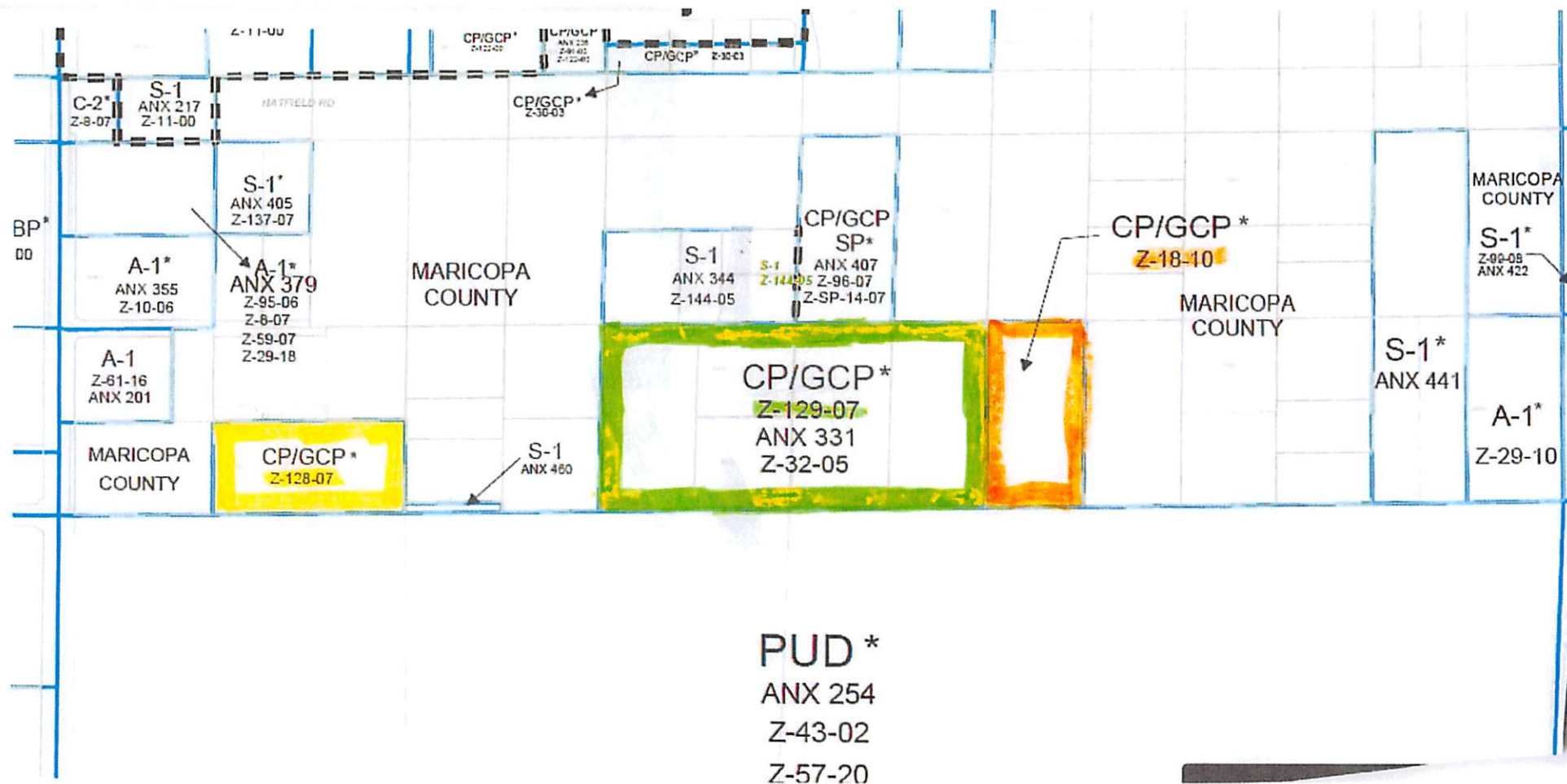


Exhibit 3

W

ORDINANCE G-5167

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTION 601, THE ZONING MAP OF THE CITY OF PHOENIX, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-128-07-1) FROM S-1 DVAO (RANCH OR FARM RESIDENCE WITH THE DEER VALLEY AIRPORT OVERLAY) TO CP/GCP DVAO (COMMERCE PARK/GENERAL COMMERCE PARK WITH THE DEER VALLEY AIRPORT OVERLAY).

WHEREAS, on September 28, 2007, the City of Phoenix Planning Department received, in compliance with the requirements of the City of Phoenix Zoning Ordinance, Section 506, a written request for rezoning from Francis J. Slavin PC, having authorization to represent the owner, 2001 Landgroup LLP of an approximately 5.12-acre property located 800 feet east of the northeast corner of 19th Avenue and Alameda Road alignment in a portion of Section 7, Township 4 North, Range 3 East, as described more specifically in Attachment "A", attached hereto and incorporated herein by this reference; and,

WHEREAS, pursuant to A.R.S. § 9-462.04, the Planning Commission, held a public hearing on May 14, 2008, and at this hearing recommended that the City

Council approve this rezoning request with the recommended staff conditions, as modified; and,

WHEREAS, the City Council, at their regularly scheduled meeting held on June 4, 2008, has determined that, in accordance with A.R.S. § 9-462.01.F, this rezoning request, with the appropriate site specific requirements provided in Section 2, is consistent with and conforms to the General Plan, will conserve and promote the public health, safety and general welfare, and should be approved, subject to the conditions herein.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1: The zoning of an approximately 5.12 acre property located 800 feet east of the northeast corner of 19th Avenue and Alameda Road alignment in a portion of Section 7, Township 4 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from "S-1 DVAO" (Ranch or Farm Residence with the Deer Valley Airport Overlay) to "CP/GCP DVAO" (Commerce Park/General Commerce Park with the Deer Valley Airport Overlay) and that the Planning Director is instructed to modify The Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Attachment "B".

SECTION 2: The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-128-07-1, on file with the Planning Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations,

violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. That conceptual site plan(s) and elevations shall be approved by the Planning Hearing Officer through the public hearing process prior to Development Services Department preliminary site plan approval. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Development Services Department.
2. That the developer shall construct all streets within and adjacent to the development (except the frontage road) with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Development Services Department. All improvements shall comply with all ADA accessibility standards.
3. That the developer shall provide proof of existence of federal patented right-of-way, 33-feet in width along the north side of the east-west midsection line for Alameda Road alignment as approved by the Street Transportation and Development Services Departments.
4. That the developer shall comply with requirements of the City's Real Estate Department for City's adoption of said patented right-of-way as public streets.
5. That the developer shall dedicate 33-feet of right-of-way for the north half of Alameda Road as approved by the Street Transportation and Development Services Departments.

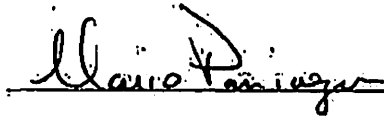
SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 4th day of June, 2008.



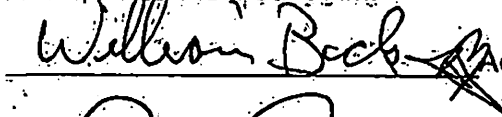
MAYOR

ATTEST:



City Clerk

APPROVED AS TO FORM:



Acting City Attorney

REVIEWED BY:



City Manager

MLW:uml:748038v1: (CM#62) (Item #30) 6/4/08

Attachments:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

CITY CLERK DEPT.
2008 JUN -2 AM 9:26

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-128-07-1

LOT 15, SECTION 7, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND
SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

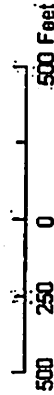
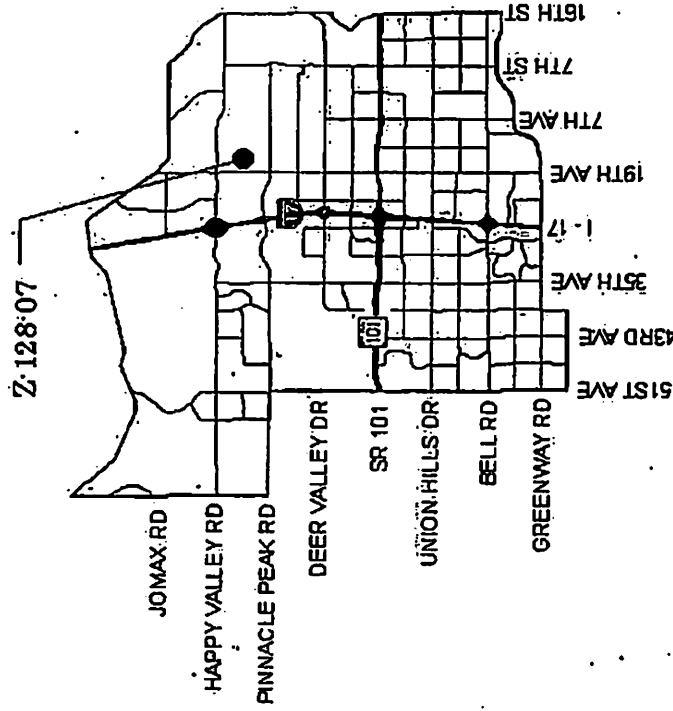
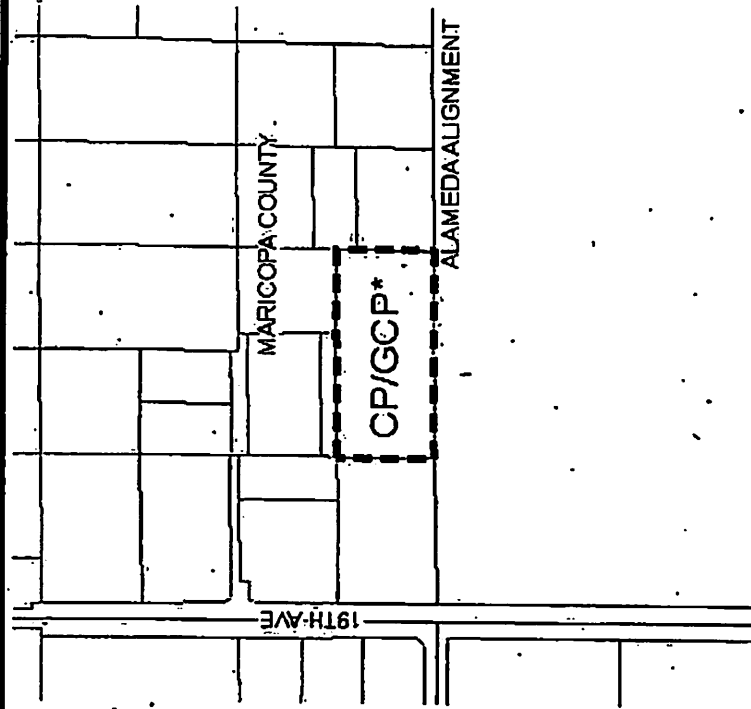
EXCEPTING THEREFROM ALL COAL, OIL, GAS AND OTHER MINERALS
DEPOSITS AS RESERVED IN THE PATENT.

ORDINANCE LOCATION MAP

ATTACHMENT B

Zoning Case Number: Z-128-07-1
 Zoning Overlay: Deer Valley Airport
 Planning Village: Deer Valley Village

ZONING SUBJECT TO STIPULATIONS: *
 SUBJECT AREA: - - - - -



NOT TO SCALE



City of Phoenix
 PLANNING DEPARTMENT

Drawn Date: 05/16/08

Map Document: N:\P\OF_Maps\Ordinance_Map\02008\Z-128-07

Exhibit 4

ORDINANCE G 5168

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PHOENIX ARIZONA PART II CHAPTER 41 THE ZONING ORDINANCE OF THE CITY OF PHOENIX BY AMENDING SECTION 601 THE ZONING MAP OF THE CITY OF PHOENIX CHANGING THE ZONING DISTRICT-CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z 129 07-1) FROM S 1 DVAO (RANCH OR FARM RESIDENCE WITH THE DEER VALLEY AIRPORT OVERLAY) TO CP/GCP DVAO (COMMERCE PARK/GENERAL COMMERCE PARK WITH THE DEER VALLEY AIRPORT OVERLAY)

WHEREAS on September 28 2007 the City of Phoenix Planning Department received in compliance with the requirements of the City of Phoenix Zoning Ordinance Section 506, a written request for rezoning from Francis J Slavin PC having authorization to represent the owner 2001 Landgroup LLP, of an approximately 20 41 acre property located approximately 1825 feet east of the 19th Avenue and Alameda Road alignment in a portion of Section 7 Township 4 North Range 3 East as described more specifically in Attachment A attached hereto and incorporated herein by this reference and

WHEREAS pursuant to A R S § 9-462 04 the Planning Commission held a public hearing on May 14 2008 and at this hearing recommended that the City Council approve this rezoning request with the recommended staff conditions as modified and

WHEREAS the City Council at their regularly scheduled meeting held on June 4 2008 has determined that in accordance with A R S § 9-462 01 F this rezoning request with the appropriate site specific requirements provided in Section 2 is consistent with and conforms to the General Plan will conserve and promote the public health safety and general welfare and should be approved subject to the conditions herein

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows

SECTION 1 The zoning of an approximately 20.41 acre property located approximately 1825 feet east of the 19th Avenue and Alameda Road alignment in a portion of Section 7 Township 4 North Range 3 East as described more specifically in Attachment A is hereby changed from S 1 DVAO (Ranch or Farm Residence with the Deer Valley Airport Overlay) to CP/GCP DVAO (Commerce Park/General Commerce Park with the Deer Valley Airport Overlay) and that the Planning Director is instructed to modify The Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Attachment B

SECTION 2 The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-129 07-1 on file with the Planning Department Due to the site's specific physical conditions and the use district applied for by the applicant this rezoning is subject to the following stipulations violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning

Ordinance

- 1 That conceptual site plan(s) and elevations shall be approved by the Planning Hearing Officer through the public hearing process prior to Development Services Department preliminary site plan approval This review is for conceptual purposes only Specific development standards

Ordinance G-5168

and requirements will be determined by the Development Services Department

- 2 That the developer shall construct all streets within and adjacent to the development (except the frontage road) with paving curb, gutter sidewalk curb ramps streetlights median islands landscaping and other incidentals as per plans approved by the Development Services Department All improvements shall comply with all ADA accessibility standards
- 3 That the developer shall provide proof of existence of federal patented right of way 33 feet in width along the following streets as approved by Street Transportation and Development Services Departments to include
 - a North side of the east west midsection line Alameda Road alignment
 - b Both sides of the north south midsection line for 15th Avenue located between Parkview Lane and Alameda Road
 - c East side of the north south midsection line for 15th avenue located north of Parkview Lane
 - d South side of the Parkview Lane alignment
- 4 That the developer shall comply with requirements of the city's Real Estate Department for city's adoption of said patented right of way as public streets
- 5 That the developer shall dedicate right of ways for properties as approved by Street Transportation and Development Services Departments to include
 - a 33 feet for the north half of Alameda Road
 - b 33 feet for the south half of Parkview Lane
 - c 66 feet full width for 15th Avenue
 - d 45 foot radius cul de sacs on Parkview Lane and Alameda Road as approved by Street Transportation and Development Services Departments

SECTION 3 If any section subsection sentence clause phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of

Exhibit 5

ORDINANCE G-5574

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTION 601, THE ZONING MAP OF THE CITY OF PHOENIX, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-18-10-1) FROM S-1 DVAO (RANCH OR FARM RESIDENCE, DEER VALLEY AIRPORT OVERLAY) TO CP/GCP DVAO (COMMERCE PARK/GENERAL COMMERCE PARK, DEER VALLEY AIRPORT OVERLAY).

WHEREAS, on June 25, 2010, the City of Phoenix Planning and Development Services Department received, in compliance with the requirements of the City of Phoenix Zoning Ordinance, Section 506, a written request for rezoning from Francis J. Slavin, P.C., having authorization to represent the owner, North K, LLC of an approximately 5.16 acre property located at the southeast corner of 13th Avenue and Parkview Lane alignments in a portion of Section 7, Township 4 North, Range 3 East, as described more specifically in Attachment "A", attached hereto and incorporated herein by this reference; and,

WHEREAS, pursuant to A.R.S. §-9-462.04, the Planning Commission, held a public hearing on November 10, 2010; and at this hearing recommended that the

City Council approve this rezoning request with the recommended staff conditions, as modified; and,

WHEREAS, the City Council, at their regularly scheduled meeting held on December 15, 2010, has determined that, in accordance with A.R.S. § 9-462.01.F, this rezoning request, with the appropriate site specific requirements provided in Section 2, is consistent with and conforms to the General Plan, will conserve and promote the public health, safety and general welfare, and should be approved, subject to the conditions herein.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning of an approximately 5.16 acre property located at the southeast corner of 13th Avenue and Parkview Lane alignments in a portion of Section 7 Township 4 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from "S-1 DVAO" (Ranch or Farm Residence, Deer Valley Airport Overlay) to "CP/GCP DAVO" (Commerce Park/General Commerce Park, Deer Valley Airport Overlay) and that the Planning and Development Services Director is instructed to modify The Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Attachment "B".

SECTION 2. The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-18-10-1, on file with the Planning and Development Services Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the

following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. That conceptual site plan(s) and elevations shall be approved by the Planning Hearing Officer through the public hearing process prior to the Planning and Development Services Department preliminary site plan approval. This review is for conceptual purposes only. Specific development standards and requirements will be determined through the site plan approval process with the Planning and Development Services Department.
2. That the developer shall dedicate right-of-way totaling 40 feet for the north half of Alameda Road, and that right-of-way totaling 30 feet shall be dedicated for the south half of Parkview Road as approved by the Street Transportation Department and the Planning and Development Services Department.
3. That the developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the Planning and Development Services Department. All improvements shall comply with all ADA accessibility standards.
4. That the property owner shall record a Notice of Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Deer Valley Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

ORDINANCE G-5167

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTION 601, THE ZONING MAP OF THE CITY OF PHOENIX, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-128-07-1) FROM S-1 DVAO (RANCH OR FARM RESIDENCE WITH THE DEER VALLEY AIRPORT OVERLAY) TO CP/GCP DVAO (COMMERCE PARK/GENERAL COMMERCE PARK WITH THE DEER VALLEY AIRPORT OVERLAY).

WHEREAS, on September 28, 2007, the City of Phoenix Planning Department received, in compliance with the requirements of the City of Phoenix Zoning Ordinance, Section 506, a written request for rezoning from Francis J. Slavin PC, having authorization to represent the owner, 2001 Landgroup LLP of an approximately 5.12 acre property located 800 feet east of the northeast corner of 19th Avenue and Alameda Road alignment in a portion of Section 7, Township 4 North, Range 3 East, as described more specifically in Attachment "A", attached hereto and incorporated herein by this reference; and,

WHEREAS, pursuant to A.R.S. § 9-462.04, the Planning Commission, held a public hearing on May 14, 2008, and at this hearing recommended that the City .

Council approve this rezoning request with the recommended staff conditions, as modified; and,

WHEREAS, the City Council, at their regularly scheduled meeting held on June 4, 2008, has determined that, in accordance with A.R.S. § 9-462.01.F, this rezoning request, with the appropriate site specific requirements provided in Section 2, is consistent with and conforms to the General Plan, will conserve and promote the public health, safety and general welfare, and should be approved, subject to the conditions herein.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1: The zoning of an approximately 5.12 acre property located 800 feet east of the northeast corner of 19th Avenue and Alameda Road alignment in a portion of Section 7, Township 4 North, Range 3 East, as described more specifically in Attachment "A", is hereby changed from "S-1 DVAO" (Ranch or Farm Residence with the Deer Valley Airport Overlay) to "CP/GCP DVAO" (Commerce Park/General Commerce Park with the Deer Valley Airport Overlay) and that the Planning Director is instructed to modify The Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Attachment "B".

SECTION 2: The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-128-07-1, on file with the Planning Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations,

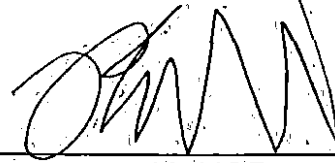
violation of which shall be treated in the same manner as a violation of the City of

Phoenix Zoning Ordinance:

1. That conceptual site plan(s) and elevations shall be approved by the Planning Hearing Officer through the public hearing process prior to Development Services Department preliminary site plan approval. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Development Services Department.
2. That the developer shall construct all streets within and adjacent to the development (except the frontage road) with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Development Services Department. All improvements shall comply with all ADA accessibility standards.
3. That the developer shall provide proof of existence of federal patented right-of-way 33-feet in width along the north side of the east-west midsection line for Alameda Road alignment as approved by the Street Transportation and Development Services Departments.
4. That the developer shall comply with requirements of the City's Real Estate Department for City's adoption of said patented right-of-way as public streets.
5. That the developer shall dedicate 33-feet of right-of-way for the north half of Alameda Road as approved by the Street Transportation and Development Services Departments.

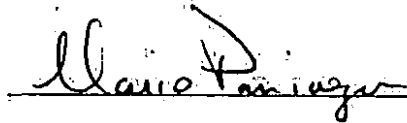
SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 4th day of June, 2008.



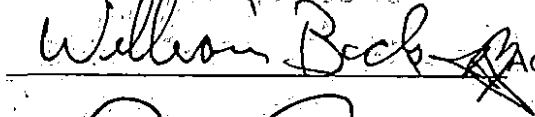
MAYOR

ATTEST:



City Clerk

APPROVED AS TO FORM:



Acting City Attorney

REVIEWED BY:



City Manager

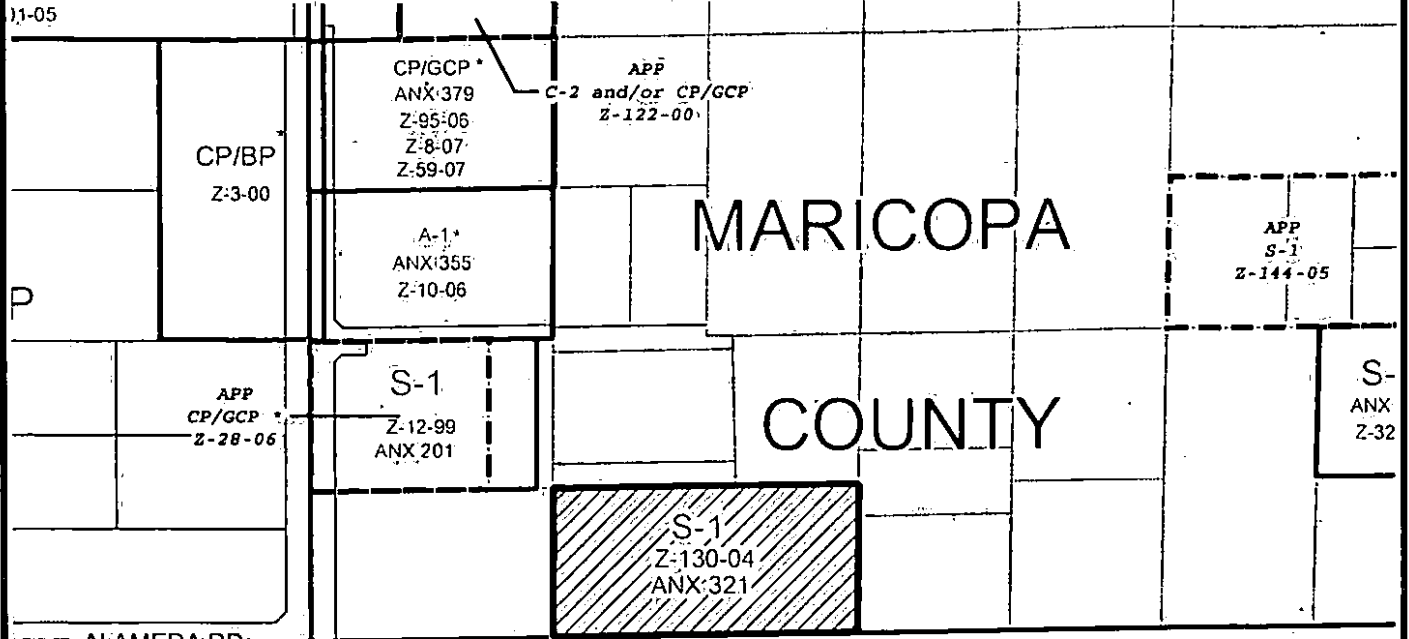
MLW:trn:748038v1: (CM#62) (Item #30) 6/4/08

Attachments:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

CITY CLERK DEPT.
2008 JUN -2 AM 9:26
JA



ALAMEDA RD

19TH AV

HAVENUE

S-1 *

ANX 254
Z-43-02

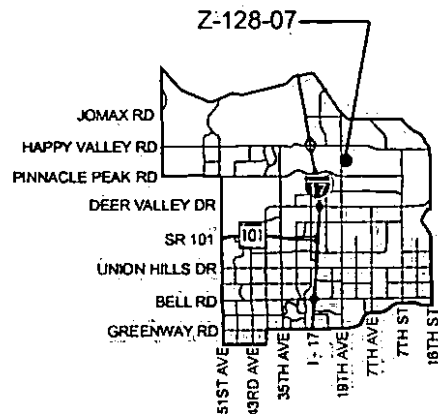


400 200 0 400 Feet

CITY OF PHOENIX PLANNING DEPARTMENT

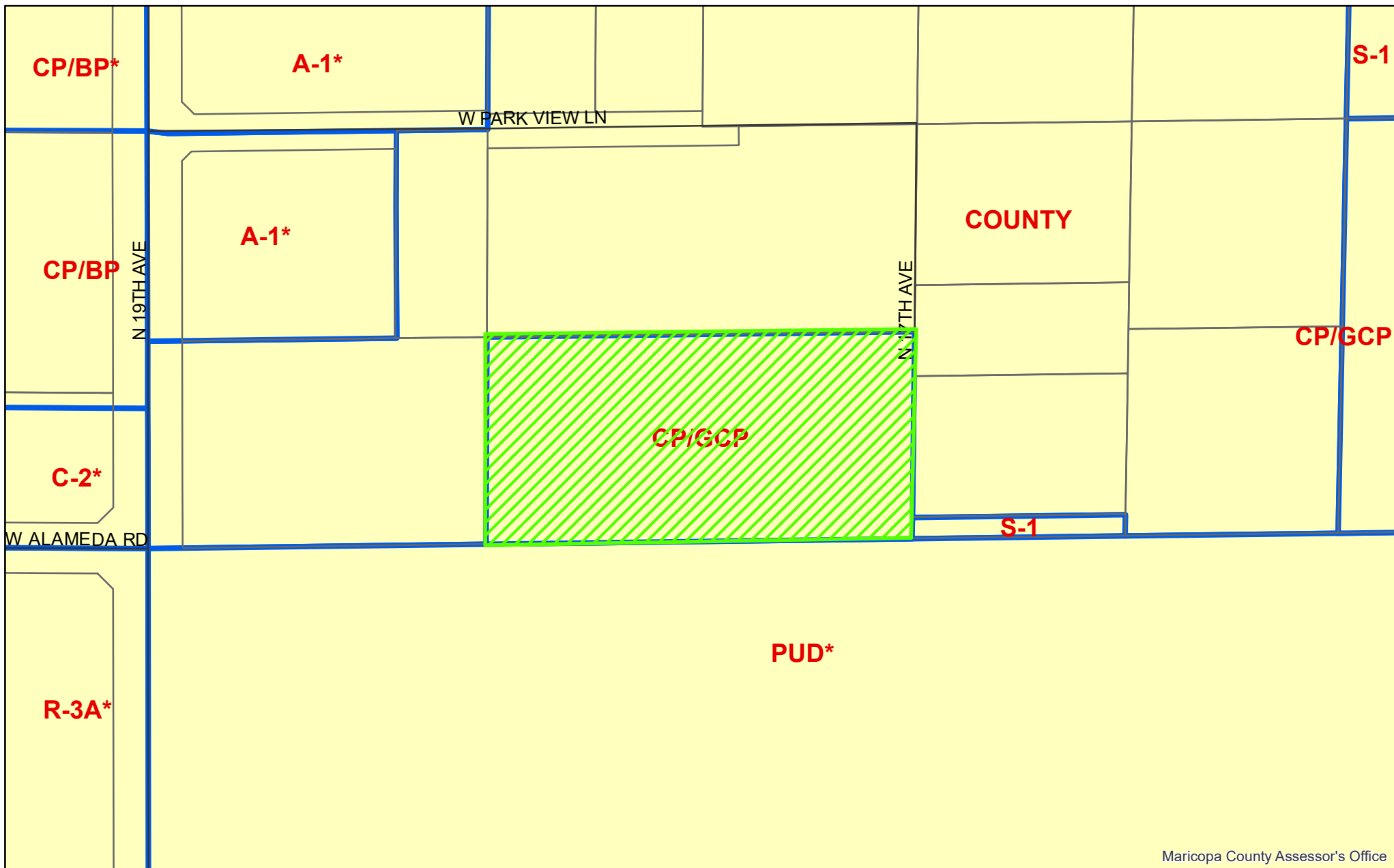
DEER VALLEY VILLAGE

CITY COUNCIL DISTRICT: 0



APPLICANT'S NAME: FRANCIS J SLAVIN PC		REQUESTED CHANGE:	
APPLICATION NO. Z-128-07 ANX 321		FROM: S-1 DVAO, (5.12 ac)	
DATE: 12-12-2007		TO: CP/GCP DVAO, (5.12 ac)	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 5.12 Acres		AERIAL PHOTO & QUARTER SEC. NO. Q46-25	
MULTIPLES PERMITTED S-1		ZONING MAP 07	
CONVENTIONAL OPTION 5		* UNITS P.R.D. OPTION N/A	
CP/GCP		N/A	

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



Maricopa County Assessor's Office

PHO-1-21--Z-128-07-1

Property Location: Approximately 800 feet east of the 19th Avenue and Alameda Road alignment



Maricopa County Assessor's Office

PHO-1-21--Z-128-07-1

Property Location: Approximately 800 feet east of the 19th Avenue and Alameda Road alignment

CONSULTANT

PROJECT

Deer Valley 30

PROJECT ADDRESS
Phoenix, AZ

PROJECT NUMBER
32013000

ISSUE RECORD

DATE
10/21/21
PROJECT MANAGER

DRAWN BY
S. OLSON
CHECKED BY
J. WADE

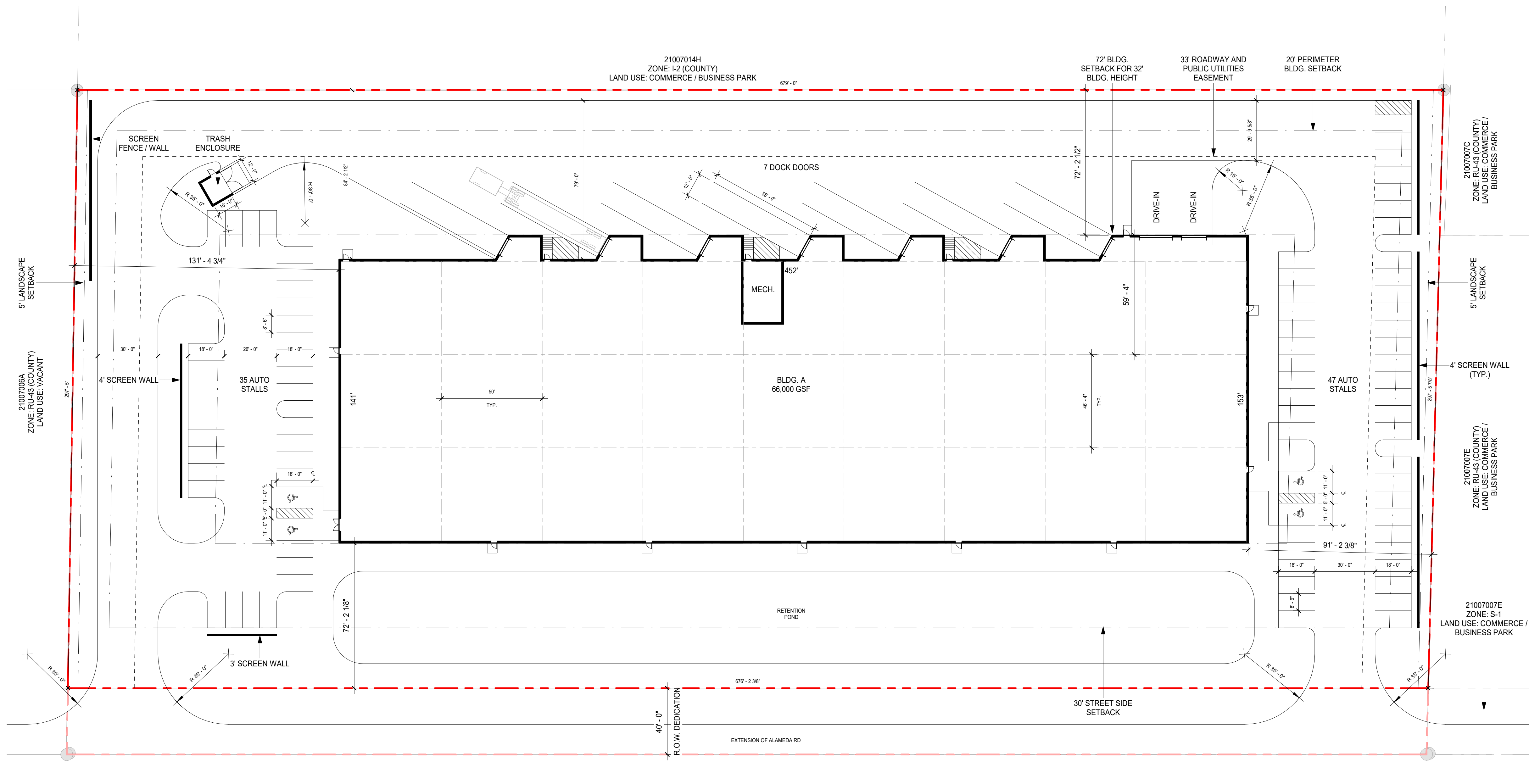
REGISTRATION

SHEET TITLE
Concept Site Plan

SHEET NUMBER

A3

Hearing Date: 12/15/21



1 LEVEL 1 5-Acre Site 1" = 30'-0"



2 Vicinity Map 5-Acres Site 1" = 24000'

PROJECT INFORMATION

Total Site Area
Gross Area +/- 5.14 Acres
Net Area +/- 4.63 Acres

Building A
Building Area +/- 66,000 GSF
Building Height +/- 32'
Lot Coverage / F.A.R. 32.8 %
Auto Parking 82 Stalls
Dock Doors 7 Doors
Drive-In Doors 2 Door

ZONING

Zone District: CP/GCP Commerce Park / General Commerce Park

Overlay District: Deer Valley Airport Overlay (DVAO Area 1)

Zoning Cases: Z-128-07

ZONING PARKING REQUIREMENTS

Unspecified Industrial Use (Shell Building):
for 1-150,000 SF 1 stall per 1,000 SF;
for 150,001-500,000 SF 1 stall per 2,000 SF;
for 500,001 SF plus 1 stall per 2,500 SF

Office: 1 per 300 SF

Industrial Plants, Manufacturing, Wholesale (including Warehouses):
1 stall per 1.5 warehouse or production workers and 1 space per 300 SF of administrative office If the facility runs more than one shift a day, employee count will be based on the 2 largest shifts

Proposed Parking Mix: 10% Office, 90% Industrial

Building A: 81 Stalls Required
(59 Industrial + 22 Office)

SITE PLAN NOTES

- Development and use of this site will conform with all applicable codes and ordinances.
- This project is located in the City of Phoenix water service area and has been designated as having an assured water supply.
- All new or relocated utilities will be placed underground.
- All signage requires separate approvals and permits.
- Any lighting will be placed so as to direct light away from the adjacent residential districts and will not exceed one-foot candle at the property line. No noise, odor, or vibration will be emitted so that it exceeds the general level of noise, odor, or vibration emitted by uses outside of the site.
- Owners of property adjacent to public right-of-way will have the responsibility for maintaining all landscaping within the rights-of-way in accordance with approved plans.

SITE PLAN NOTES ADDITIONAL

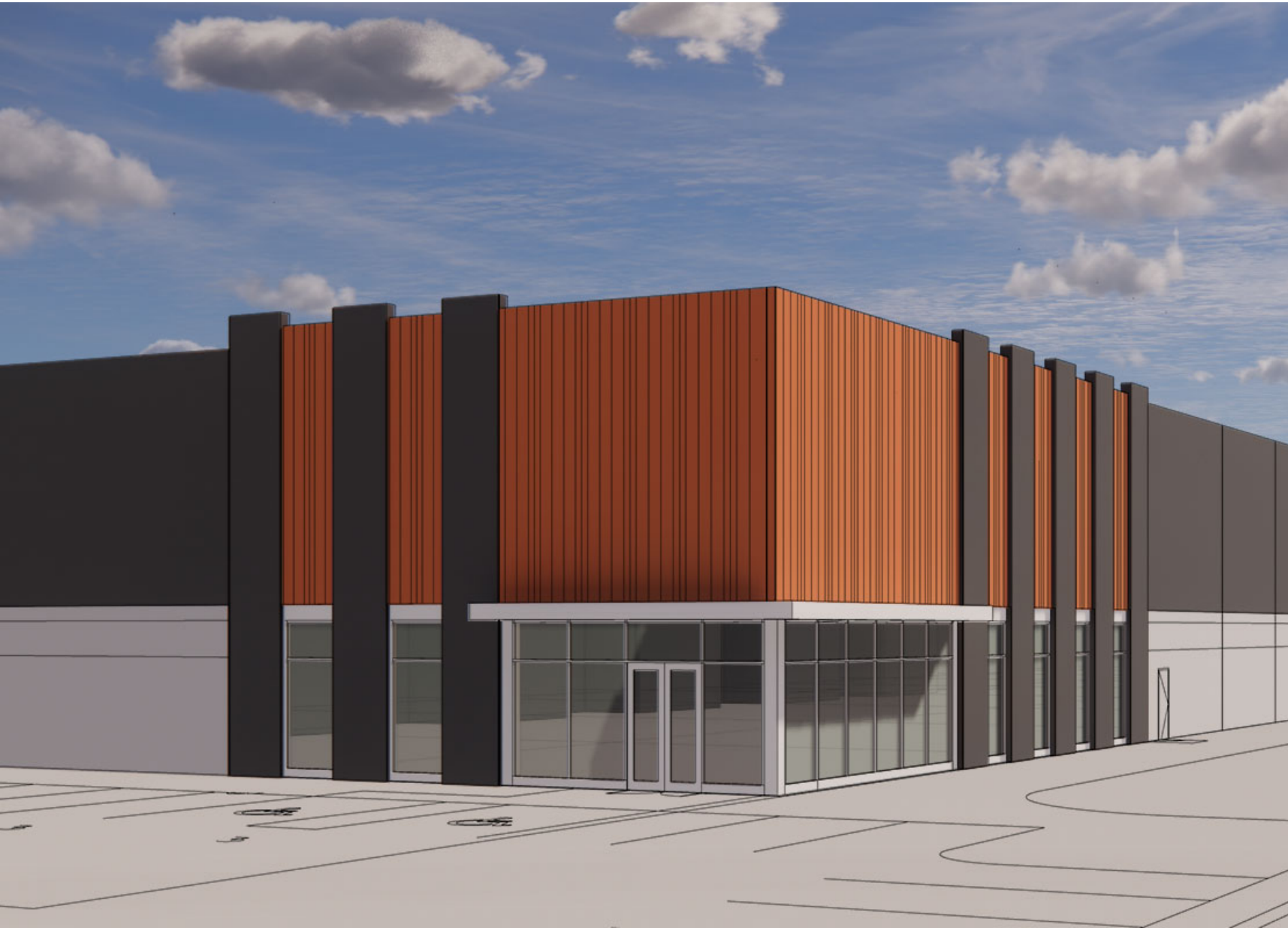
- Smoke, gas and odor emissions shall comply with Regulation III of the Maricopa County Air Pollution Control Rules and Regulations.
- The disposal of all waste materials shall comply with title 9, chapter 8, articles 18 and 4 of the Hazardous Waste Regulations as adopted by the Arizona Health Department.
- The average noise level, measured at the property line, shall not exceed fifty-five dB (l dn) when measured on an "A weighted" sound level meter and according to the procedures of the Environmental Protection Agency.
- Explosive or hazardous processes: Certification shall be provided by the Phoenix Fire Department Prevention Bureau that all manufacturing, storage and waste processes on the site shall meet safety and environmental standards as administered by the Bureau.
- Outdoor lighting shall be shielded so that:
 - No source of illumination is directly visible from a public street or from residentially zoned property.
 - Light intensity does not exceed 1 footcandle on any adjacent residentially zoned property.

CITY OF PHOENIX
OCT 22 2021
Planning & Development
Department

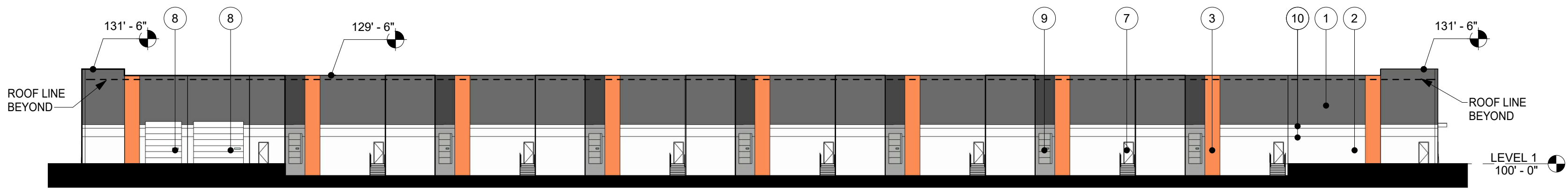
KIVA
SDEV
PAPP
QS



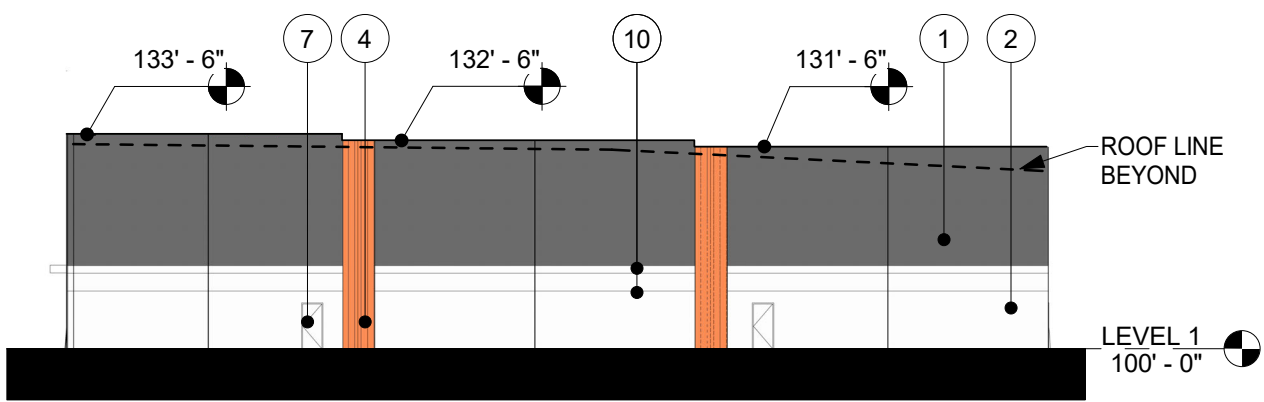
PERSPECTIVE AT NORTHWEST CORNER



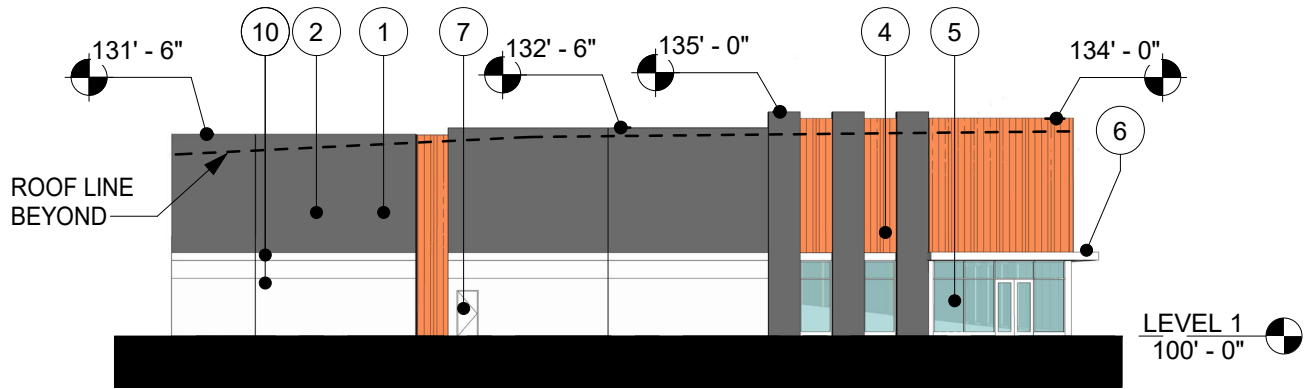
PERSPECTIVE AT ENTRY



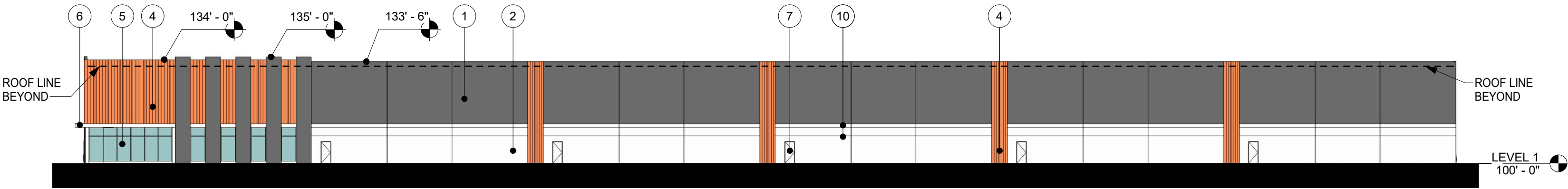
1 NORTH ELEVATION @ 5 ACRE
1" = 30'-0"



2 EAST ELEVATION @ 5 ACRE
1" = 30'-0"



3 WEST ELEVATION @ 5 ACRE
1" = 30'-0"



4 SOUTH ELEVATION @ 5 ACRE
1" = 30'-0"

KEYNOTE LEGEND	
1	CONCRETE PAINTED COLOR #1 – DARK GRAY
2	CONCRETE PAINTED COLOR #2 – LIGHT GRAY
3	CONCRETE PAINTED COLOR #3 – ORANGE
4	CONCRETE W/ FORMLINER PAINTED COLOR #3 - ORANGE
5	STOREFRONT VISION GLASS W/ ALUMINUM FRAME
6	METAL CANOPY
7	HOLLOW METAL DOOR – COLOR TO MATCH PAINT COLOR #2
8	DRIVE-IN DOOR – COLOR TO MATCH PAINT COLOR #2
9	OVERHEAD DOCK DOORS – COLOR TO MATCH PAINT COLOR #2
10	HORIZONTAL REVEALS

CITY OF PHOENIX
OCT 22 2021
Planning & Development
Department

OPUS
THE OPUS GROUP

Opus AE Group, L.L.C.
10350 Bren Road West
Minnetonka, MN 55343-0110
952-656-4444

Opus Design Build, L.L.C.
10350 Bren Road West
Minnetonka, MN 55343-0110
952-656-4444

CONSULTANT

PROJECT
Deer Valley 30

PROJECT ADDRESS
Phoenix, AZ

PROJECT NUMBER
32013000

ISSUE RECORD

DATE
10/08/21

PROJECT MANAGER

DRAWN BY
M CAMERON

CHECKED BY
J WADE

REGISTRATION

SHEET TITLE
**BUILDING
ELEVATIONS**

SHEET NUMBER

A7

Hearing Date: 12/15/21

June 4, 2008

Specific concern was expressed to the City regarding opportunity for public input on special event liquor license applications for large events occurring on residential properties. In response to that concern, the proposed Code changes would prohibit administrative approval and only allow the City Council the authority to approve or disapprove a special event liquor license for an event at a residential property at which attendance by 500 or more persons was anticipated.

In addition, the proposed Code changes would enhance the existing list of criteria that the City Council might consider with regard to a special event liquor license application to include:

- Whether, within the last three years, the applicant or the event's promoter held an event that created a neighborhood disturbance or whether the site had generated neighborhood disturbance complaints.
- Traffic, lack of parking, and excessive duration or hours of operation, among other potential neighborhood problems.
- Compatibility with the event site's normal use.

MOTION was made by Ms. Neely, **SECONDED** by Mrs. Williams, that Item 29 be adopted.

Roll Call:	Ayes:	Baier, Mattox, Nowakowski, Simplot, Stanton, Williams, Vice Mayor Neely, and Mayor Gordon
	Nays:	None
	Absent:	Johnson

MOTION CARRIED.

MOTION was made by Ms. Neely, **SECONDED** by Mrs. Williams, that Items 30 through 41 be adopted.

Mayor Gordon called on Mr. Vint to express his concerns on these items and requested that Mr. Vint fill out a speaker comment card for each item he wished to address in the future.

Mr. Joseph Vint wondered if the City or the applicants would benefit from the approved zoning. If the benefit was for the applicant then he wished to change the zoning on his property. He owned land and could not house a piece of equipment he used to maintain it and wanted to utilize the same process.

June 4, 2008

Roll Call:	Ayes:	Baier, Mattox, Nowakowski, Simplot, Stanton, Williams, Vice Mayor Neely, and Mayor Gordon
	Nays:	None
	Absent:	Johnson

MOTION CARRIED.

<u>ITEM 30</u>	DISTRICT 1	ORDINANCE G-5167 - AMEND ZONING CODE - REZONING APPLICATION Z-128-07-1
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The Council heard request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Rezoning Application Z-128-07-1 for the CP/GCP DVAO (Commerce Park/General Commerce Park with the Deer Valley Airport Overlay) zoning district located 800 feet east of the northeast corner of the 19th Avenue and Alameda Road alignment.

<u>ITEM 31</u>	DISTRICT 1	ORDINANCE G-5168 - AMEND ZONING CODE - REZONING APPLICATION Z-129-07-1
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The Council heard request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Rezoning Application Z-129-07-1 for the CP/GCP DVAO (Commerce Park/General Commerce Park with the Deer Valley Airport Overlay) zoning district located approximately 1,825 feet east of the 19th Avenue and Alameda Road alignment.

<u>ITEM 32</u>	DISTRICT 1	ORDINANCE G-5169 - AMEND ZONING CODE - REZONING APPLICATION Z-22-08-1
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The Council heard request to authorize the City Manager to amend Section 601 of the Phoenix Zoning Ordinance by adopting Equivalency Rezoning Application Z-22-08-1 for the S-1 (Ranch or Farm Residence) and S-1 DVAO (Ranch or Farm Residence with the Deer Valley Airport Overlay) zoning districts for Happy Valley Road right-of-way east of 13th Avenue.

CONSENT ITEMS

Application #: Z-128-07-1
From: S-1 DVAO
To: CP/GCP DVAO
Acreage: 5.12
Location: Approximately 800 feet east of 19th Avenue and the Alameda Road alignment
Proposal: Commerce Park/General Commerce Park Development
Applicant: Francis J. Slavin PC
Owner: 2001 Landgroup LLP
Representative: Francis J. Slavin PC

Mr. Alan Stephenson presented Z-128-07-1, a rezoning request from S-1 DVAO to CP/GCP DVAO for approximately 5.12 acres located approximately 800 feet east of 19th Avenue and the Alameda Road alignment to allow for commerce park development. The Deer Valley Village Planning Committee voted to approve the request 10-0 on April 17, 2008 subject to staff stipulations.

Staff recommends approval per the May 6, 2008 Addendum A staff report which proposes additional stipulations that address Street Department issues. Copies of the Addendum are available on the City website and at the back of the auditorium.

This item is eligible to be moved to the consent agenda if no one is present in opposition.

Commissioner Gallegos made a MOTION to move Z-128-07-1 to the consent agenda.

Commissioner Awai SECONDED.

There being no further discussion, Chairman Keuth called for a vote and the MOTION PASSED 9-0.

Commissioner Gallegos made a MOTION to approve Z-128-07-1 on consent per the May 6, 2008 Addendum A staff report.

Commissioner Ellis SECONDED.

There being no further discussion, Chairman Keuth called for a vote and the MOTION PASSED 9-0.

* * * *

Stipulations

1. That conceptual site plan(s) and elevations shall be approved by the Planning Hearing Officer through the public hearing process prior to Development Services Department preliminary site plan approval. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Development Services Department.
2. That the developer shall construct all streets within and adjacent to the development (except the frontage road) with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Development Services Department. All improvements shall comply with all ADA accessibility standards.
3. That the developer shall provide proof of existence of federal patented right-of-way 33-feet in width along the north side of the east-west midsection line for Alameda Road alignment as approved by the Street Transportation and Development Services Departments.
4. That the developer shall comply with requirements of the city's Real Estate Department for city's adoption of said patented right-of-way as public streets.
5. That the developer shall dedicate 33-feet of right-of-way for the north half of Alameda Road as approved by the Street Transportation and Development Services Departments.

Scott McCoy, Earl, Curley & Lagarde, 3101 N. Central discussed the starting of Phase II. The applicant is requesting to delete part of the stipulation for increase in wall. Stipulation 11 was added in 2004. The two story buildings have been moved to the outer edge. We have met with both Homeowners Association and have agreed to some of their requests that do not require stipulations; they are in agreement with this request. There has been no opposition for this modification request.

Clancy Jayne made a motion to approve. Gail Bosgieter seconded the motion.

Approved, Unanimous, Vote: 10-0

5. Z-128-07-1: Presentation, discussion, and possible recommendation on a request for rezone on approximately 5.12 acres from S-1 DVAO to CP/GCP DVAO located 800 feet east of the northeast corner of 19th Avenue and Alameda Road alignment. Presentation by Francis J. Slavin, Esq. The Planning Commission will hear this request on May 14, 2008.

Megan Neal presented an overview of Z-128-07-1 and Z129-07-1. The proposed development provides opportunities for employment within the area and is appropriate near the Deer Valley Airport. Currently, most adjacent properties are vacant with some existing single family residential units. At this time, the applicant has not provided a site plan or elevations for review and approval. Staff has recommended a stipulation requiring site plan and elevations to be submitted for the Planning Hearing Officer's review and approval through the public hearing process prior to Development Services Department preliminary site plan approval.

The proposed zoning is consistent with the General Plan Land use Map Commerce/Business Park designation and with the goals and policies of the Deer Valley Airport Overlay. It is compatible with surrounding future land uses.

Staff recommends approval subject to stipulations.

Buzz Slavin, 2198 E. Camelback, Phoenix, AZ representing the applicant. The client will improve and bring in sewer and water. It will be marketed and sold for employment pieces. Additional stipulations may be forthcoming prior to Planning Commission regarding federal patents and right-of-way dedications.

Clancy Jayne asked if they will have to purchase more right-of-way. Buzz Slavin said no; shouldn't have to acquire any more.

Jenna Goad made a motion to approve with staff recommended stipulations. Lynn Lanoue seconded the motion. **Approved, Unanimous, Vote: 10-0**

6. Z-129-07-1: Presentation, discussion, and possible recommendation on a request for rezone on approximately 20.41 acres from S-1 DVAO to CP/GCP DVAO located northeast and northwest corners of 15th Avenue and Alameda Road alignments. Presentation by Francis J. Slavin, Esq. The Planning Commission will hear this request on May 14, 2008.

Jayson Matthews made a motion to approve with staff recommended stipulations. Ken Smithee seconded the motion. **Approved, Unanimous, Vote: 10-0**