

Attachment D

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



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

To: Departments Concerned
From: Joshua Bednarek
Planning & Development Department Director
Date: August 25, 2023
Subject: **P.H.O. APPLICATION NO. PHO-8-23--Z-195-81-1** – 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 **September 20, 2023**.
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 **September 1, 2023**.

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, Chase Hales, Teresa Garcia), 2nd Floor
Village Planner (Matteo Moric, Deer Valley Village)
Village Planning Committee Chair (Joseph A. Grossman, Deer Valley Village)



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-8-23--Z-195-81-1

Council District: 1

Request For: Stipulation Modification

Reason for Request: Request to modify Stipulation 1 regarding general conformance with the site plan dated August 3, 1999. Request to modify Stipulation 3 regarding a landscape theme and a landscape setback along 21st and 23rd Avenues. Technical corrections to Stipulations 2 and 4.

Owner	Applicant	Representative
RMLM LLC	Bill Lally, Tiffany & Bosco P.A.	Bill Lally, Tiffany & Bosco P.A.
2155 West Williams Drive	2525 East Camelback Road, 7th Floor	2525 East Camelback Road, 7th Floor
Phoenix AZ 85027	Phoenix AZ 85016	Phoenix AZ 85016
(602) 818-4111	(602) 255-6000	P: (602) 255-6000 F:
northnauto2155@gmail.com	wel@tblaw.com	wel@tblaw.com

Property Location: Approximately 730 feet south of the southwest corner of 23rd Avenue and Parkside Lane

Zoning Map: <u>O-7</u>	Quarter Section: <u>44-24</u>	APN: <u>209-03-293</u>	Acreage: <u>14.01</u>
Village: <u>Deer Valley</u>			
Last Hearing: <u>CC RATIFICATION</u>			
Previous Opposition: <u>No</u>			
Date of Original City Council Action: <u>04/26/1983</u>			
Previous PHO Actions: <u>05/06/1998 07/07/1999 07/07/1999 11/03/1999 10/02/2002 05/30/2007</u>			
Zoning Vested: <u>A-1 DVAO</u>			
Supplemental Map No.: <u>601 1044</u>			
Planning Staff: <u>083645</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	07/27/2023	23-0055632	Original Filing Fee

Signature of Applicant: _____ DATE: _____

Hearing Results

Planning Hearing Officer	Planning Commission	City Council
Date: <u>09/20/2023 1000 AM</u>	Date: _____	Date: _____
Appealed?: _____	Appealed?: _____	
Action: _____	Action: _____	Action: _____



August 23, 2023

Planning Hearing Officer
City of Phoenix Planning & Development Department
200 West Washington Street, 2nd Floor
Phoenix, AZ 85003

**Re: PHO Stipulation Modification Request for Rezone case # 195-81-1
South of Southwest corner of North 21st Avenue and West Parkside Lane**

To Whom It May Concern:

Our firm represents LPIV Arizona, LLC (“LPIV”), which is seeking to develop +/- 15.28 gross acres of real property zoned A-1 located approximately 320’ south of the southwest corner of North 21st Avenue and West Parkside Lane in the Deer Valley area northwest of the Deer Valley Airport site. The proposed future development would consist of two warehouse buildings with approximately 220,000 sq.ft. of building space, which is an allowed use in the site’s existing A-1 zoning. The project consists of two (2) parcels: 209-03-293 and 209-03-295 (the “Site”). The proposed development will provide a more modern industrial use for the local area that already has other A-1 zoning and industrial uses adjacent to the Site as illustrated in Exhibit A attached hereto (“Proposed Site Plan”). This request seeks to modify stipulations of the previous rezone case as it pertains to specifics of the Site and proposed warehousing improvement.



Background

The Site was originally approved for a rezone to A-1 zoning district (case # 195-81-1). The current controlling case for the Site is PHO-4-99 which was approved by the Phoenix City Council on October 6th, 1999 (the “Rezone”). This rezone case also included properties to the northeast of the site (both the site and current APN 209-03-294 as part of parcel 7) and six (6) other parcels known as Markham lots 1-6, located to the east of 21st Avenue for a total of approximately 29.7 acres (collectively the “Property”). See attached Exhibit B (“Approved Stipulated Site Plan”).

Approval of the 1999 rezone was subject to five (5) stipulations. Stipulation 1 of that approval requires that the development be in general conformance with the referenced Exhibit B site plan stamped dated on August 3rd, 1999 which showed the Site as part of parcel 7 a vacant site. This stipulated site plan was originally generated to show existing and future development on several of the Markham lots, not a part of the Site. However, discussions with City of Phoenix Planning staff with the Proposed Site Plan requires that the previous stipulations be modified.



Specifically, this request seeks to:

1. **Modify Stipulation 1** which requires general conformance with the 1999 Site Plan.
2. **No Modifications to Stipulation 2** which requires ROW to be dedicated and discusses roadway improvements.
3. **Modify Stipulation 3** which speaks to landscaping theme, setbacks, and screening.
4. **No Modifications to Stipulation 4** which requires dust and litter free properties.
5. **No Modifications to Stipulation 5** which requires Parcel 7 to comply with A-1 development standards.

Request to Modify Stipulation 1

Current language:

That new development be in general conformance with the site plan dated 8/3/99.

Proposed Language Changes:

That new development be in general conformance with the site plan dated ~~8/3/99~~ 10/31/2022.

Final Proposed Stipulation Language:

That new development be in general conformance with the site plan dated 10/31/2022.

Rational:

This stipulation is being modified to permit the Proposed Site Plan. The Proposed Site Plan contributes two (2) industrial warehouse buildings, site parking, landscaping/retention and other site development features to meet A-1 zoning development standards. The Proposed Site Plan is for ultimate buildout to a portion of Parcel 7 from the original site plan that depicted the site as vacant at the time.

No Modifications to Stipulation 2

Current Language:

That right-of-way be dedicated, and adjacent to roadways improved in a manner consistent with adopted plans at the time of subdivision/site plan approval, as approved by the Development Services Department.

Comments:

All requirements for right-of-way dedication and improvements are still applicable and are part of the site plan review process with the new proposed development.

Request to Modify Stipulation 3

Current Language:

That a landscaping theme creating a strong visual identity be developed for the entryway along 23rd Avenue (upon redevelopment of Parcel 7) consistent with Commerce Park standards. Landscaping shall be provided, within the right-of-way along the east side of 21st Avenue, with a minimum 10' landscape setback (which shall include minimum 15-gallon size drought resistant shade trees spaced a maximum 20' on center, or provided in equivalent groupings). Along the west side of 21st Avenue, a 6' decorative masonry wall shall be provided, to be set back a minimum 25' from the right-of-way. The setback area shall be dustproofed in an appropriate manner, as approved by Development Services Department.

Proposed Language Changes:

~~That a landscaping theme creating a strong visual identity be developed for the entryway along 23rd Avenue (upon redevelopment of Parcel 7) consistent with Commerce Park standards.~~ Landscaping shall be provided, ~~within the right-of-way along the east side of~~ 21st Avenue, with a minimum 10' landscape setback ~~from the property line (allows for driveway access as shown on the site plan) (which shall include minimum 15-gallon size drought resistant shade trees spaced a maximum 20' on center, or provided in equivalent groupings).~~ ~~Along the west side of 21st Avenue, a 6' decorative masonry wall shall be provided, to be set back a minimum 25' from the right-of-way.~~ The setback area shall be dustproofed in an appropriate manner, as approved by Development Services Department.

Final Proposed Stipulation Language:

Landscaping shall be provided, along 21st Avenue, with a minimum 10' landscape setback from the property line (allows for driveway access as shown on the site plan). The setback area shall be dustproofed in an appropriate manner, as approved by Development Services Department.

Rational:

The proposed language revisions are consistent with the Proposed Site Plan for warehouse development. Landscaping was only to be provided on the east side of 21st Avenue, but the site will include a 10' wide landscaping area along this arterial to add to visual appeal along the site frontage. Current zoning regulations for A-1 zoning would require a screening wall for loading and unloading if the site is within 100 or 150 feet of a residential district. The Property is not within 150 feet of a residential district and is surrounded by A-1 zoned parcels with similar uses. Therefore, a 6' screening wall should not be required. Furthermore, the remnant parcel (APN 209-

03-294) as part of original rezone approval parcel 7 will still be subject to landscaping theming as this parcel has the entryway along 23rd Ave. The subject Site does not have or propose access to this arterial as the street alignment currently is not developed to this parcel as shown within the current aerial on page 1.

No Modifications to Stipulation 4

Current Language:

That, the site be maintained in a dust and litter free condition, as approved by the Development Services Department.

Comments:

The site will be maintained for dust to meet air quality standards and be free of junk, trash, and debris. The new development proposal will include paved driveways, aisles, and parking areas to limit any issues with dust control typically caused by inadequate surface materials.

No Modifications to Stipulation 5

Current Language:

That independent of the development east of 21st Avenue, Parcel 7 shall comply with A-1 development standards for the existing use, or seek appropriate variance relief.

Comments:

The Site is part of a portion of Parcel 7 and will comply with all A-1 zoning development standards where the proposed warehousing use is allowed in the A-1 zoning district.

Conclusion

The Site is ready to develop for industrial warehouse uses and seeks to amend stipulations associated with the original zoning case that was approved over 20-years ago that included other properties not currently a part of the Proposed Site Plan. The changes landscape setbacks adds to the visual appeal and mitigation of disturbance to the surrounding area that is already industrial. We appreciate your review and considerations of our request and look forward to continue working with Phoenix staff to complete this project.

Sincerely,

TIFFANY & BOSCO, P.A.

A handwritten signature in blue ink, appearing to read "W.E. Lally". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

William E. Lally



City of Phoenix

PLANNING DEPARTMENT

October 8, 1999

SWS 21st Avenue, LLC
22820 N. 19th Ave
Phoenix, AZ 85027-1312

Dear Applicant:

RE: Rezoning Application No. 195-81-1 - Between Pinnacle Peak Road, and Williams Drive and between 19th Avenue and 23rd Avenue (approximately 29.7 acres).

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 506.B.1 of the Zoning Ordinance, has on October 6, 1999, concurred with the recommendation of the Planning Hearing Officer and recommended approval of to update prior stipulations of approval pertaining to site plan, time extension, landscaping, and circulation and drainage plan, subject to stipulations.

STIPULATIONS:

The following stipulations shall apply to the A-1 (approximately 29.7 acres) *beginning approximately 1275 feet south of Pinnacle Peak Road, between 19th & 23 Avenues*, and shall replace all prior stipulations and modifications to the original approval:

- Mod 1. That new development be in general conformance with the site plan dated 8/3/99.
- TC 2. That right-of-way be dedicated, and adjacent roadways improved in a manner consistent with adopted plans at the time of subdivision/site plan approval, as approved by the Development Services Department.
- Mod 3. That a landscaping theme creating a strong visual identity be developed for the entryway along 23rd Avenue (upon redevelopment of Parcel 7) consistent with Commerce Park standards. Landscaping shall be provided, within the right-of-way along the east side of 21st Avenue, with a minimum 10' landscape setback (which shall include minimum 15-gallon size drought resistant shade trees spaced a maximum 20' on center, or provided in equivalent groupings). Along the west side of 21st Avenue, a 6' decorative masonry wall shall be provided, to be set back a minimum 25' from the right-of-way. The setback area shall be dustproofed in an appropriate manner, as approved by Development Services Department.
- TC 4. That, the site be maintained in a dust and litter free condition, as approved by the Development Services Department.

October 8, 1999
Ratification 195-81-1
Page 2

5. That independent of the development *east* of 21st Avenue, Parcel 7 shall comply with A-1 development standards for the existing use, or seek appropriate variance relief.

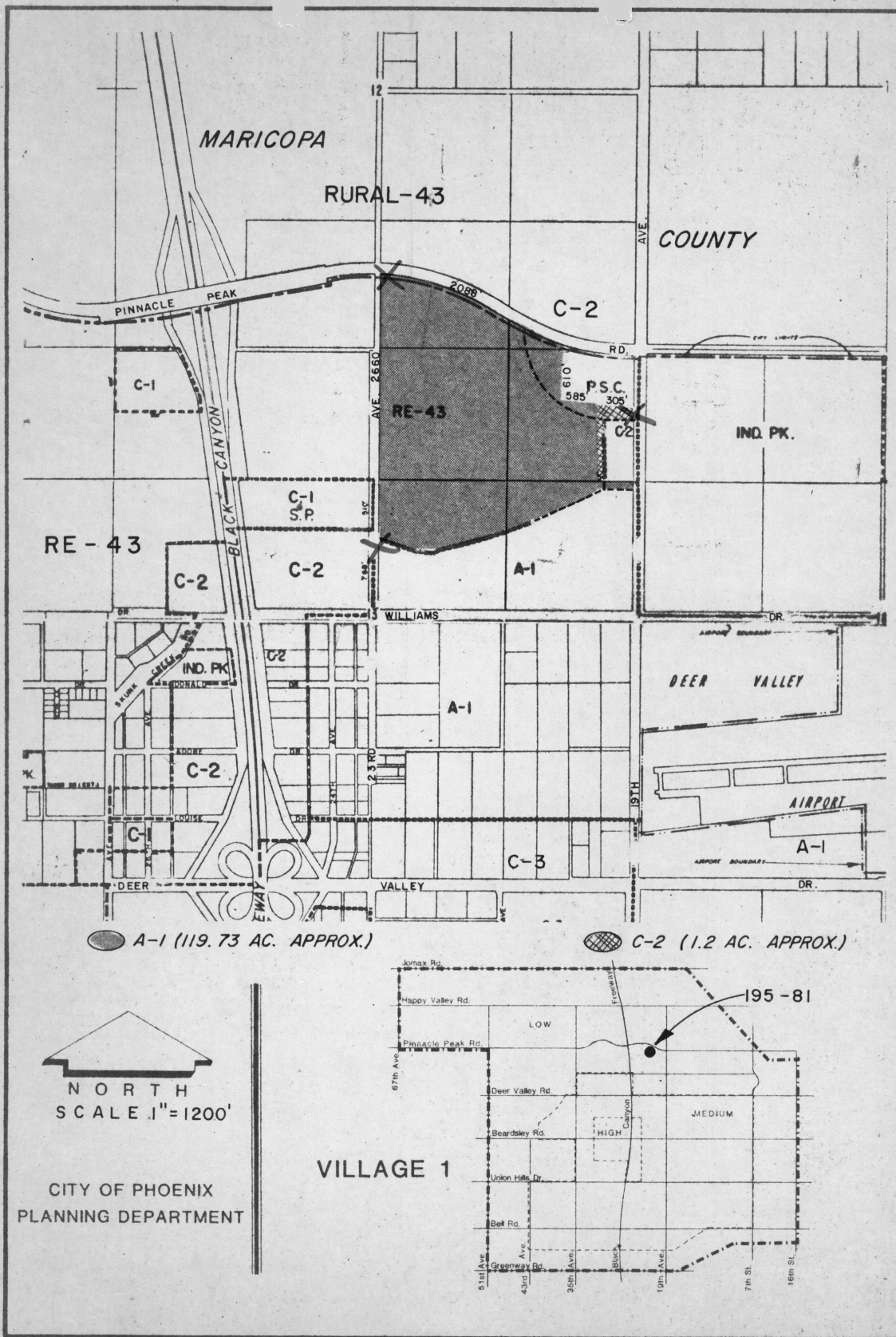
Sincerely,



Mark A. Steele
Principal Planner

BA;law\f\hearings\pho\rat\195-81-1

c: City Clerk Bernadine Alling (sent electronically)
Michael Griffith (sent electronically) Steve Cohee (sent electronically)
Dave Barrier, DSD(sent electronically) E. J. Hyncik, Public Transit (sent elec)
Case File Book
Steven Bauer
Richardson & Bauer Development Consultants, LLC
320 East McDowell Rd #220
Phoenix, AZ 85004



GROSS AREA INCLUDING
1/2 STREET AND ALLEY
DEDICATION IS:

APPROX. 120.93 ACRES

MULTIPLES PERMITTED

UNITS

APPLICANT'S NAME **JAY C. STUCKEY, JR.**

APPLICATION NO. **195-81**

HEARING
DATES

P.C.

9-9-81

C.C.

AERIAL PHOTO &
QUARTER SEC. NO.

44-24, 45-24

ZONING
MAP NO.

N-5

REQUESTED CHANGE

FROM

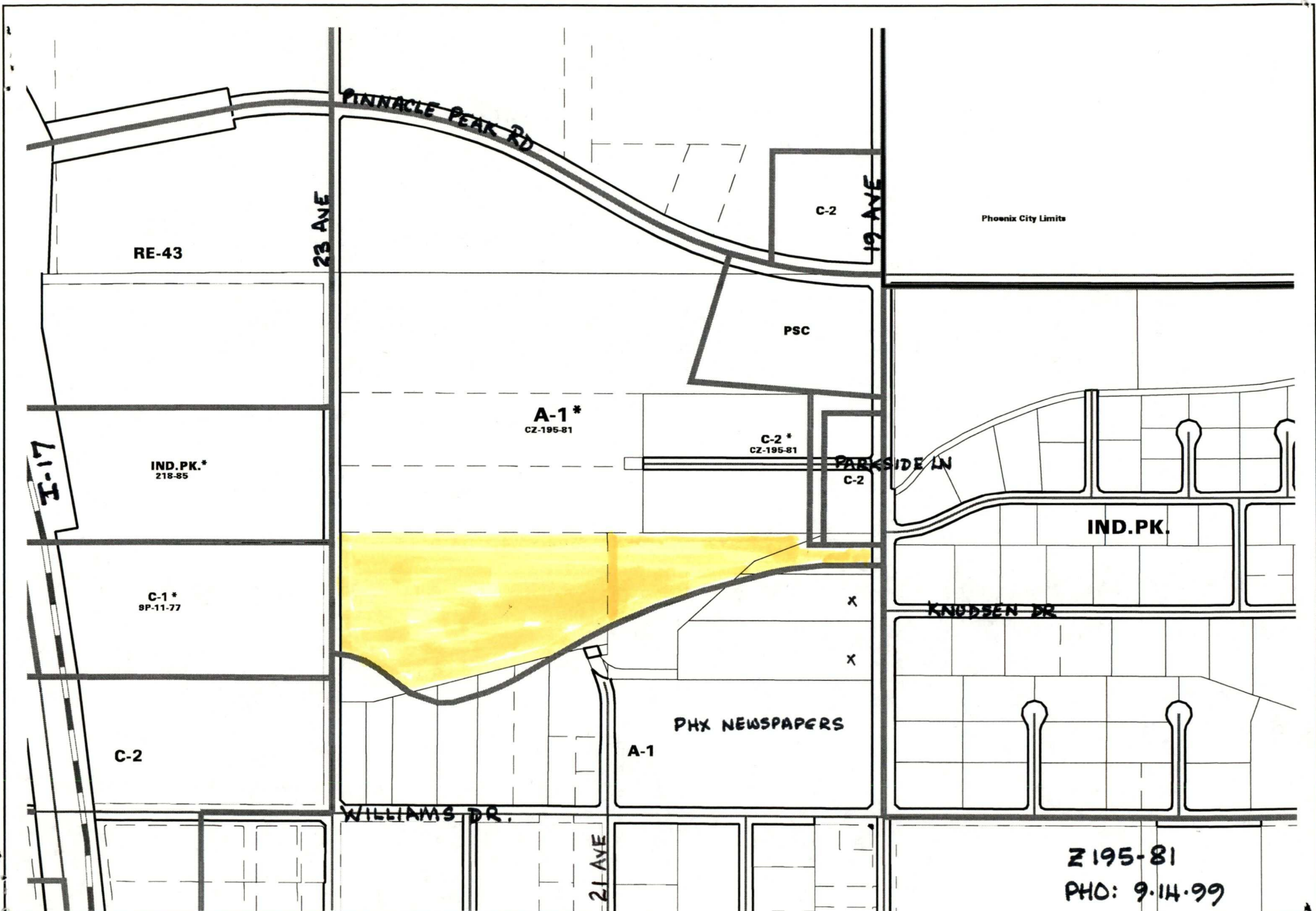
TO

RE-43,

A-1 &

P.S.C., & C-2

C-2



Scale 1: 616 ft

0 616 ft 924 ft 1232 ft

Date 09/08/99



QS: Q43-24 Q43-25 Q44-24 Q44-25 Q45-24 Q45-25

Visible Themes:
Parks (hatch)



Canals (line)

Freeways (line)



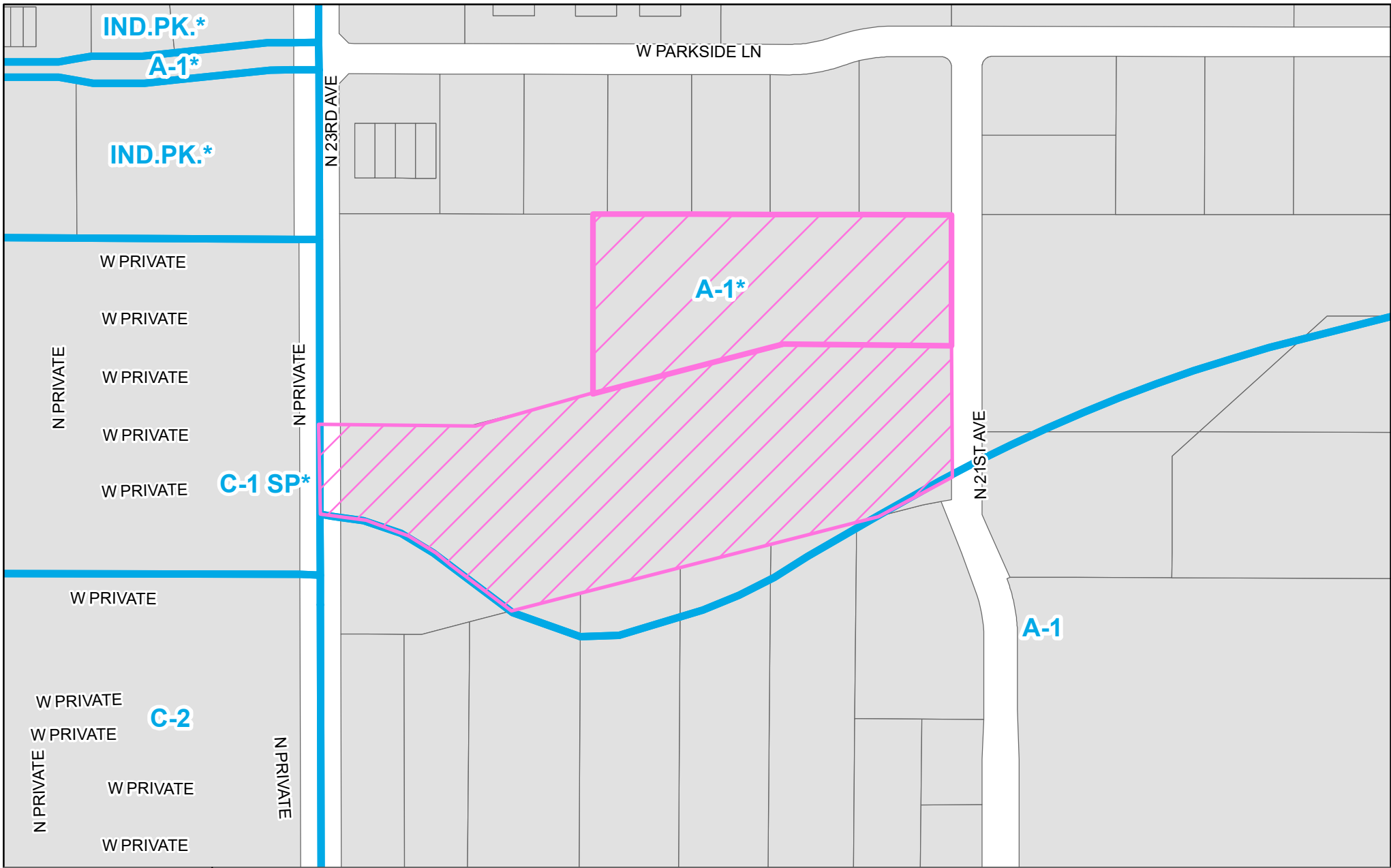
Parcels (line)



Zoning (line)

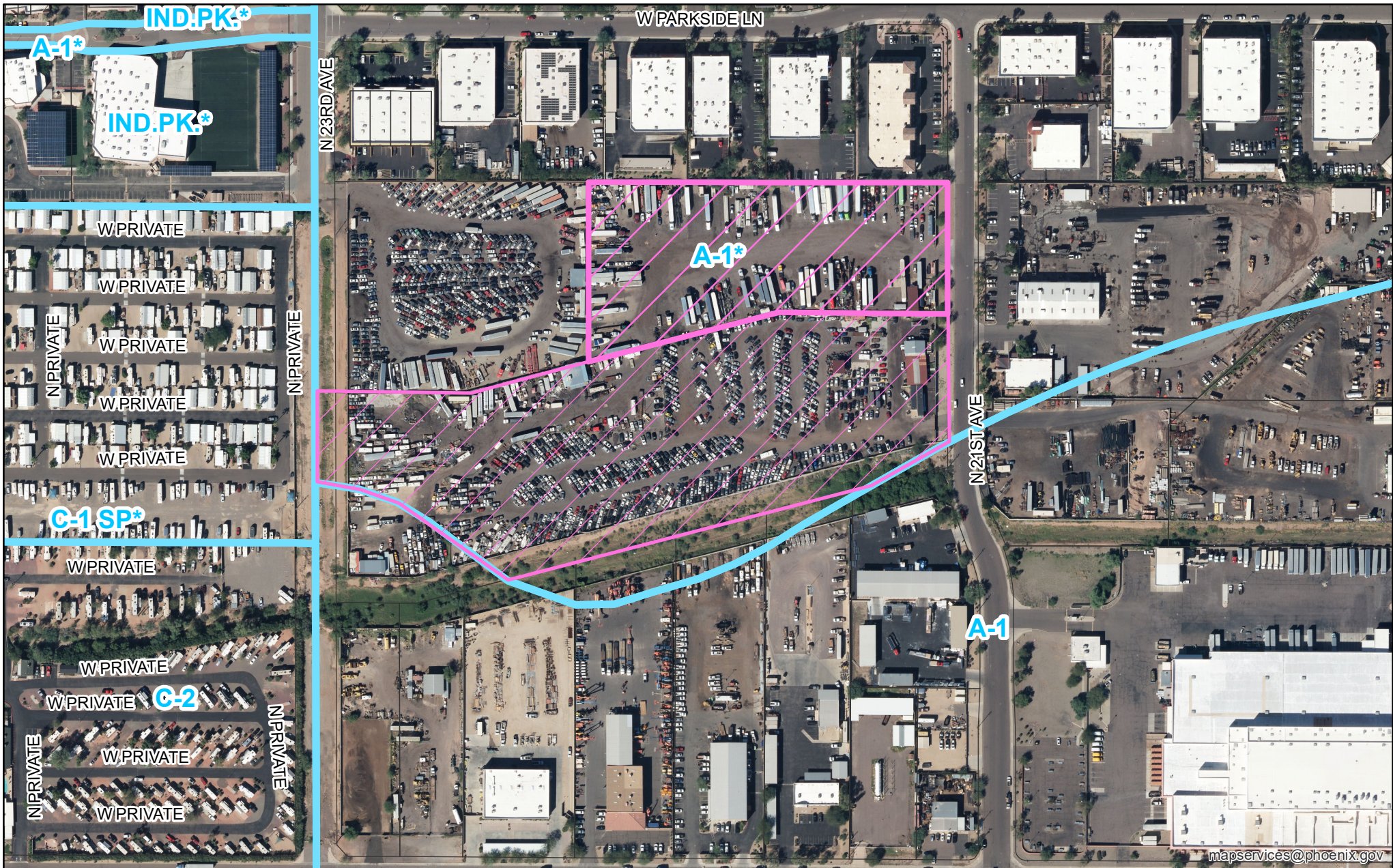


City of Phoenix



PHO-8-23--Z-195-81-1

Property Location: Approximately 730 feet south of the southwest corner of 23rd Avenue and Parkside Lane



PHO-8-23--Z-195-81-1

Property Location: Approximately 730 feet south of the southwest corner of 23rd Avenue and Parkside Lane

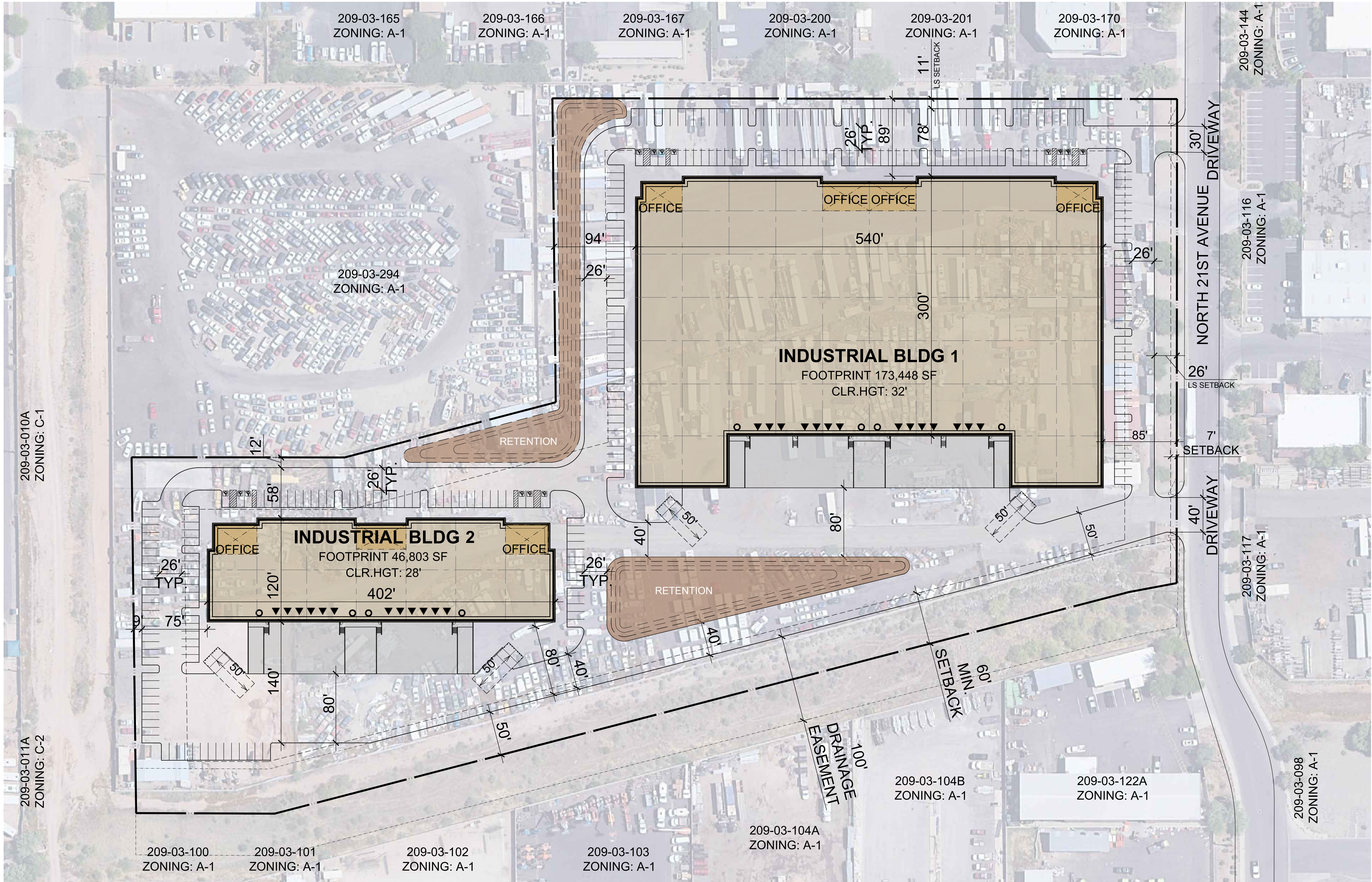


City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Planning & Development Department

0 125 250 500 Feet





PROJECT DATA:			
SITE 1 AREA:			
GROSS:		14.92 AC	649,840 SF
RETENTION:	@ 10%	67,644 SF	
NET:		13.37 AC	582,196 SF

BUILDING AREA:	OFFICE	FOOTPRINT:
BUILDING 1	8,673 SF	173,448 SF
BUILDING 2	2,340 SF	46,803 SF
TOTAL:	11,013 SF	220,251 SF

BUILDING USE:		
WAREHOUSE		209,238 SF
OFFICE	5%	11,013 SF

COVERAGE:		
GROSS:		34%
NET:		38%

BUILDING 1		
DOCK-HIGH DOORS		14
GRADE-LEVEL DOORS		4
PARKING PROVIDED:		180 STALLS
		@1.08/1000 SF
		6 STALLS

BUILDING 2		
DOCK-HIGH DOORS		12
GRADE-LEVEL DOORS		4
PARKING PROVIDED:		116 STALLS
		@2.26/1000 SF
		5 STALLS

OWNER		DEVELOPMENT STANDARDS:
PANATTONI		ZONING: A-1
Phone: (602) 677-5300		
Contact: John DiVall		MAX. F.A.R.: 0.90
Email: jdivall@panattoni.com		MAX. COVERAGE: 90%

ARCHITECT		BUILDING SETBACKS:
WARE MALCOMB		FRONT: 60 FT
2777 E. Camelback Rd. #325		SIDE: 60 FT
Phoenix, AZ 85016		REAR: 60 FT
Phone: (480) 767-1001		
Contact: Ben Squires		LANDSCAPE SETBACKS:
Email: bsquires@waremalcomb.com		FRONT: 30 FT
		SIDE: 0 FT
		REAR: 0 FT

LANDSCAPE REQ.:		
		10%
OFF-STREET PARKING:		
STANDARD:		8.5x18
COMPACT:		8x16
COMPACT %:		TBD
DRIVE AISLE:		24'
FIRE LANE:		26'
OVERHANG:		2'
TREE WELL:		6'

REQ. PARKING RATIO BY USE:		
WAREHOUSE:		1/1000 SF
OFFICE:		1/300 SF

NOTES:		
1		
2		

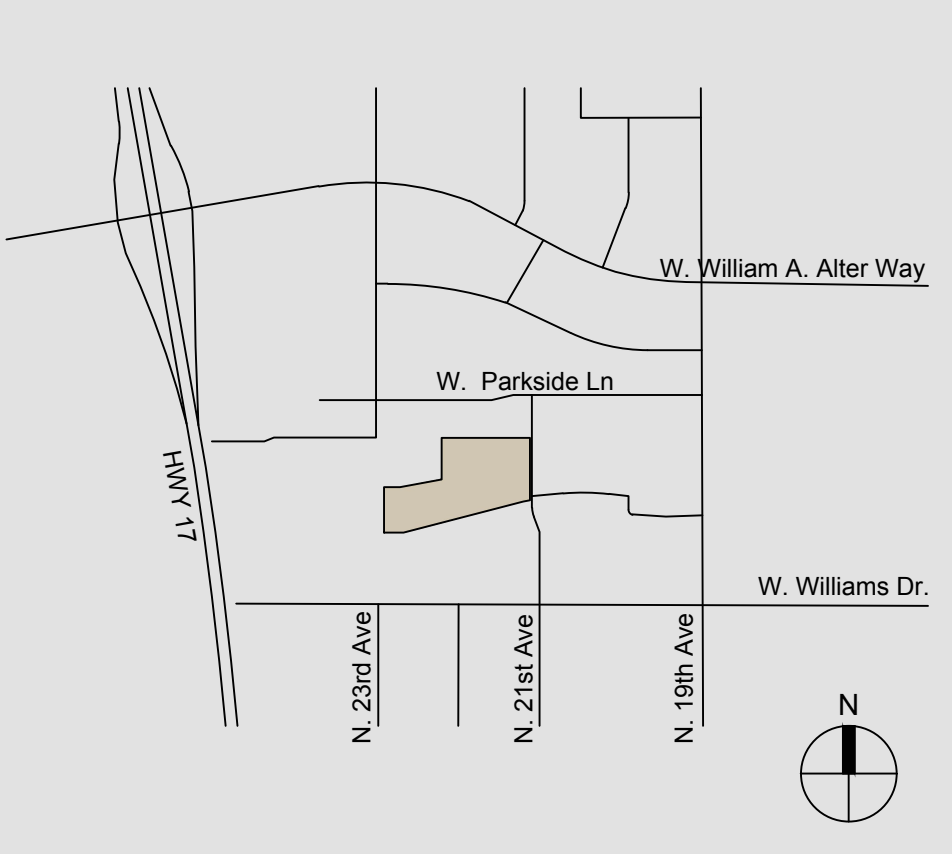
SITE DATA

ADDRESS	: 22750 N. 21ST AVENUE PHOENIX, AZ 85027
APN	: 209-03-295 : 209-03-293
ZONING	: A-1
SITE AREA	
GROSS	: 15.28 AC
NET	: 14.92 AC

SITE PLAN NOTES

1. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM WITH ALL APPLICABLE CODES AND ORDINANCES.
2. ALL NEW OR RELOCATE UTILITIES WILL BE PLACED UNDERGROUND.
3. STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURED BACK 10' FROM THE PROPERTY LINE AND 20' ALONG THE PROPERTY LINE ON EACH SIDE OF THE DRIVEWAY'S ENTRANCES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3'.
4. STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURING 33'x33' ALONG THE PROPERTY LINES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3'.
5. ANY LIGHTING WILL BE PLACED SO AS TO DIRECT LIGHT AWAY FROM ADJACENT RESIDENTIAL DISTRICTS AND WILL NOT EXCEED ONE FOOT CANDLE AT THE PROPERTY LINE. NO NOISE, ODOR, OR VIBRATION WILL BE EMITTED AT ANY LEVEL EXCEEDING THE GENERAL LEVEL OF NOISE, ODOR, OR VIBRATION EMITTED BY USES IN THE AREA OUTSIDE OF THE SITE.
6. OWNERS OF PROPERTY ADJACENT TO PUBLIC RIGHTS-OF-WAY WILL HAVE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING LOCATED WITHIN THE RIGHTS-OF-WAY, IN ACCORDANCE WITH APPROVED PLANS.
7. ALL ROOFTOP EQUIPMENT AND SATELLITE DISHES SHALL BE SCREENED TO THE HEIGHT OF THE TALLEST EQUIPMENT.
8. ALL SERVICE AREAS SHALL BE SCREENED TO CONCEAL TRASH CONTAINERS, LOADING DOCKS, TRANSFORMERS, BACKFLOW PREVENTERS AND OTHER MECHANICAL OR ELECTRICAL EQUIPMENT FROM EYE LEVEL ADJACENT TO ALL PUBLIC STREETS.
9. BARBED, RAZOR, OR CONCERTINA WIRE (OR SIMILAR) SHALL NOT BE USED ON THIS SITE WHERE VISIBLE FROM PUBLIC STREETS OR ADJACENT RESIDENTIAL AREAS.
10. ALL SIGNAGE REQUIRES SEPARATE REVIEWS, APPROVALS, AND PERMITS. NO SIGNS ARE APPROVED PER THIS PLAN.

VICINITY MAP

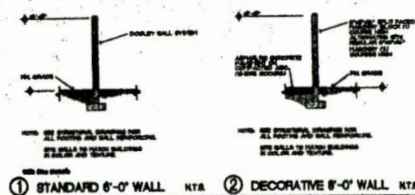


CITY OF PHOENIX

This conceptual design is based upon a preliminary review of entitlement requirements and on unverified and possibly incomplete site and/or building information, and is intended merely to assist in exploring how the project might be developed.	
Stormwater Management Design: AVERAGE REGIONAL REQUIRED PROVIDED	
Boundary Source: BROKER PLAN	



Site Details



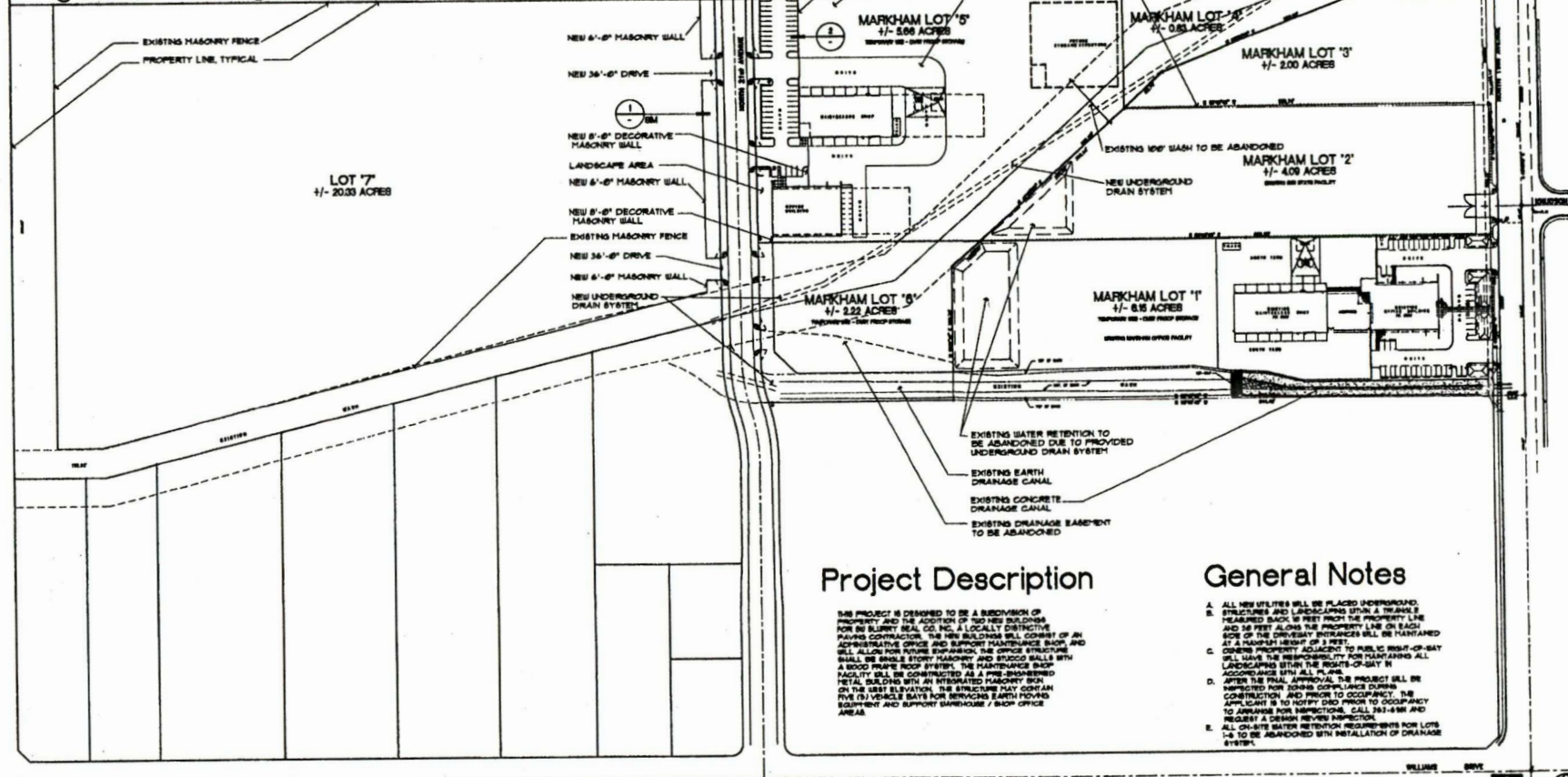
DATE: 3 AUGUST 1999
I consent to the reproduction of this site plan for the purpose of future amendments provided that if amendments are made, the engineer that makes such changes assume full responsibility for the plan.

SIGNATURE OF COPYRIGHT OWNER

MARK WEST - PRESIDENT

PRINT NAME OF COPYRIGHT OWNER

① STANDARD 6'-0" WALL N.T.A. ② DECORATIVE 8'-0" WALL N.T.A.



Project Description

THIS PROJECT IS DESIGNED TO BE A SUBDIVISION OF PROPERTY AND THE ADDITION OF TWO NEW BUILDINGS FOR BUREAU REAL CO. INC. A LOCALLY DISTRICTIVE PLANNING CONTRACTOR. THE NEW BUILDINGS WILL CONSIST OF AN ADMINISTRATIVE OFFICE AND SUPPORT MAINTENANCE SHOP AND WILL ALLOW FOR FUTURE EXPANSION. THE OFFICE STRUCTURE SHALL BE SINGLE STORY MASONRY AND BRICK WALLS WITH A BROAD FLAT ROOF SYSTEM. THE MAINTENANCE SHOP FACILITY SHALL BE CONSTRUCTED AS A PRE-ENGINEERED METAL BUILDING WITH AN INTEGRATED MASONRY BOX ON THE FIRST ELEVATION. THE STRUCTURE MAY CONTAIN FIVE (5) VEHICLE BAYS FOR SERVICE BAY/PAVING EQUIPMENT AND SUPPORT WAREHOUSE / BAY OFFICE AREA.

General Notes

- ALL NEW UTILITIES WILL BE PLACED UNDERGROUND. STRUCTURES AND LANDSCAPING WITHIN A THIRDS EASER BACK 18 FEET FROM THE PROPERTY LINE ON EACH SIDE OF THE DRIVEWAY ENTRANCES WILL BE MAINTAINED AT A MINIMUM HEIGHT OF 3 FEET.
- OWNERS PROPERTY ADJACENT TO PUBLIC RIGHT-OF-WAY WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING WITHIN THE RIGHT-OF-WAY IN ACCORDANCE WITH ALL PLANS.
- AFTER THE FINAL APPROVAL, THE PROJECT WILL BE INSPECTED FOR JOBSH COMPLIANCE DURING CONSTRUCTION AND PRIOR TO OCCUPANCY. THE APPLICANT IS TO NOTIFY CDD PRIOR TO OCCUPANCY TO ARRANGE FOR INSPECTION. CALL 941-4141 AND REQUEST A DESIGN REVIEW INSPECTION.
- ALL ON-SITE WATER RETENTION REQUIREMENTS FOR LOTS 1-4 TO BE ABANDONED WITH INSTALLATION OF DRAINAGE SYSTEM.

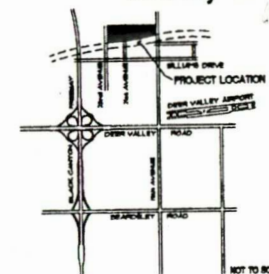
Site Data

OWNER/DEVELOPER	BUREAU REAL CO. INC. 22816 NORTH 2ND AVENUE PHOENIX, ARIZONA 85021-1301 (602) 846-1000 (602) 846-1400 FAX
ARCHITECT	ARCHITECTS DESIGN STUDIO 1000 SOUTH MOUNTAIN AVENUE, SUITE 100 TAMPA, FLORIDA 33601 (813) 884-1500 (813) 884-1500 FAX
PROJECT ADDRESS	North 2nd Avenue Phoenix, Arizona
ZONING	A-1
WTE AREA	LOT 1 6.9 ACRES GROSS - NET 36,000 S.F. LOT 2 4.08 ACRES GROSS - NET 22,000 S.F. LOT 3 2.00 ACRES GROSS - NET 10,800 S.F. LOT 4 0.85 ACRES GROSS - NET 4,600 S.F. LOT 5 5.00 ACRES GROSS - NET 27,000 S.F. LOT 6 2.22 ACRES GROSS - NET 12,000 S.F. LOT 7 20.33 ACRES GROSS - NET 1,100,000 S.F. TOTAL 31.38 ACRES GROSS - NET 1,670,000 S.F.
LOT COVERAGE	8% LOT 5
OCCUPANCY GROUP	B - Occupancy Office Vehicle Maintenance Warehouse Area Residential 8-1 Occupancy 8-1 Occupancy 8-1 Occupancy 8-1 Occupancy
BUILDING AREA	Office 5,000 S.F. Maintenance Shop 12,000 S.F. Warehouse 1,440 S.F.
PARKING REQUIRED	100 CARS
Occupancy 1,000 / 300 = 33 SPACES	
Occupancy 1 car per 3 Employees	
PARKING PROVIDED	154 CARS
Includes: (1) Accessible Parking Spaces (75) Covered Parking Spaces	

Legal Description

Being a portion of the Northeast quarter of Section 13, Township 4 North, Range 2 East of the 6th and 8th River Base Meridian, Maricopa County, Arizona, more particularly described as follows:
Commencing at the Northeast corner of said section 13, thence

Vicinity Map



Conceptual Architectural Site Plan

Southwest Slurry Seal

Architects Design Studio
Incorporated
401 south mill avenue - suite 203 - tempe, arizona (602) 884-8360



Seal

Z 195-81-1
Site Plan: 8-3-99
PHO date: 9-14-99

Office Complex

Preliminary Site Plan Review

PLANNING + ZONING SUBMITTAL - CITY OF PHOENIX
Q/8 XX-XX P09000 PN XXXXX LPRN

1a
ZONING

Stipulated Site Plan (PHO-4-99)

Hearing Date: September 20, 2023

PHO-8-23--Z-195-81-1

November 3, 1999

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

MOTION was made by Mr. Siebert, **SECONDED** by Mr. Milton, that Item 34 A-H be granted as recommended. **MOTION CARRIED UNANIMOUSLY.**

ITEM 35

DISTRICTS 1, 2, 6 AND 7 -
MODIFICATION OF
STIPULATION REQUESTS
SCHEDULED FOR
RATIFICATION OF PLANNING
HEARING OFFICE ACTION

The Council heard request to approve Planning Hearing Officer's recommendations without further hearing by the City Council on matters heard by the Planning Hearing Officer on October 6, 1999.

DISTRICT 1 -
OWNER: STERLING DEER
VALLEY ACQUISITION
REPRESENTATIVE: FRANK S.
BANGS JR/KERI LAZARUS
LLC

- A. Application **195-81-1**: Request to modify stipulation regarding outdoor storage and related setback for a parcel located approximately 580' south of Pinnacle Peak Road between 19th Avenue and 23rd Avenue (approximately 38.6 ac). Existing Zoning: A-1, C-2.

The Deer Valley VPC did not review this request.

The Planning Hearing Officer found the request to be reasonable based on (1) stipulations applied to the southern property, and (2) the site's history (including ownership and rezonings) that is gradually evolving into an acceptable development.

Motion

The Planning Hearing Officer moved to approve the request subject to the following modified Stipulation 6, (adding the requirement of a decorative screen wall, and height restriction on outdoor storage), and the remaining stipulations.

November 3, 1999

Stipulations

The following stipulations shall apply only to the A-1 (approximately 36.4 acres) and C-2 (approximately 1.2 acres) property, beginning approximately 540' south of Pinnacle Peak Road on the west side of 19 Avenue, and extending to 23 Avenue, and shall replace all prior stipulations and modifications to the original approval.

1. That development commence within three years of final City Council approval in accordance with Section 506 of the Zoning Ordinance.
2. That the total site be maintained in a dust and litter free condition as approved by the Development Services Department.
3. That development of the subject site beyond that recorded under S-96055R shall be processed as a single plat compatible to the existing plat (as it relates to drainage and circulation).
4. That right-of-way be dedicated and adjacent roadways improved in a manner consistent with adopted plans at the time of subdivision/site plan approval as approved by the Development Services Department.
5. That a landscape theme creating a strong visual identity be developed for the entryways along 19th and 23rd Avenues. Landscaping along 19th Avenue shall be consistent with C-2 standards. Landscaping along 23rd Avenue shall be consistent with Commerce Park standards. Landscaping shall be provided along all interior streets within a minimum 10' landscape setback, and shall include minimum 15 gallon size drought-resistant shade trees spaces a maximum 20' on center or in equivalent groupings.
6. That any outdoor storage or use (other than vehicle parking) ~~shall be limited to no more than 50% of the net lot area~~ will be accessory to the principal use on any given lot, and Outdoor storage/use shall be screened with a solid fence or wall, including a decorative masonry wall along 23rd Avenue. No outside storage or use (other than vehicle parking) shall be located within ~~300'~~ 75 feet of 23rd Avenue, ~~nor exceed the height of the screen wall if located within 150' of 23rd Avenue.~~
7. That the above-noted stipulations shall only apply only if the sale of the property between the owner (Ron McClure) and the purchaser (Sterline Capital Ltd. Or the single entity LC) is complete. If such sale is not complete, the property shall retain stipulations prior to this PHO request.

SUMMARY OF PLANNING HEARING OFFICER

September 14, 1999

Mr. Mark Steele, AICP, Principal Planner, Hearing Officer
Ms. Bernadine Alling, Planner II, Assisting

SUBJECT

District No. 1
Application: 195-81-1
Existing Zoning: A-1
Owner: SWS 21st Avenue, LLC
Applicant: Steven Bauer
Location: Approximately 1275 feet south of Pinnacle Peak Road,
between 19th Avenue and 23rd Avenue
29.7 acres
Request: To update prior stipulations of approval pertaining to site plan,
time extension, landscaping, and circulation and drainage plan

PLANNING HEARING OFFICER'S RECOMMENDATIONS:
modified stipulations.

Approval, with

VILLAGE PLANNING COMMITTEE RECOMMENDATIONS:
did not review this request.

The Deer Valley VPC

FINDINGS:

Mr. Steven Bauer, Richardson-Bauer, 320 East McDowell Rd., Suite 220, 85004, representing Mike Markham, Slurry Seal, 22820 N. 19th Avenue, 85027, briefly reviewed the site's history, as well as the uncertainty regarding which stipulations and amendments apply to that portion of the rezoning case. The proposal was for Slurry Seal, a road paving company, to occupy that portion of this PHO request located between 19th and 21st Avenues.

Such proposal would be similar to that of Mr. Markham's existing business located south of the property (photograph submitted). Additionally, the applicant intended to (1) extend and fully improve 21st Avenue, from the north to south property lines; (2) include outdoor activities and storage; (3) provide Commerce Park/Business Park-type landscaping; (4) abandon the existing drainage system which has caused overflows in the area, and pipe underground to resolve the problem. However, the applicant did not want to be stipulated to the specific drainage improvements, pending an engineering feasibility assessment which could possibly require open channels.

In effect, the proposal would eliminate the eastern portion of the existing auto storage/wrecking yard. Mr. Bauer emphasized that although it is desirable to eliminate the auto yard usage, as a condition of sale, the remaining auto yard, located between 21st and 23rd Avenues (Parcel 7), would continue for at least 10 years (at which time current leases will expire). He stated that his client was not in control of that portion of the site (owned by Mr. McClure). However, as a condition of sale, the 21st Avenue right-of-way would be fully improved, with landscaping provided in the right-of-way. Mr. Bauer also clarified that the setback for the 6' wall located on the west side of 21st Avenue was approximately 25 feet.

The Planning Hearing Officer ("PHO"), Mr. Mark Steele clarified that the auto storage/wrecking facility is not a non-conforming use, and that the City and property owner have contested whether this use is permitted under the original zoning application. The use is, however a listed permitted use in the A-1 zoning district. The site must, at a minimum, meet A-1 district standards. Any non-compliance with Zoning Ordinance standards would require variance relief. The PHO also briefly reviewed the site's rezoning history, including a previous failed master plan development, and recent attempts to develop the northern properties.

The PHO noted that approval of this final portion of application 185-81 eliminates a sizeable portion of the auto storage facility, provides roadway and drainage improvements for the area, enhances landscape treatment, and sets a standard for the future redevelopment of the remnant parcel.

MOTION:

The Planning Hearing Officer moved to approve the request, subject to the following stipulations.

STIPULATIONS:

The following stipulations shall apply to the A-1 (approximately 29.7 acres) ***beginning approximately 1275 feet south of Pinnacle Peak Road, between 19th & 23 Avenues,*** and shall replace all prior stipulations and modifications to the original approval:

1. That new development be in general conformance with the site plan dated 8/3/99.
2. That right-of-way be dedicated, and adjacent roadways improved in a manner consistent with adopted plans at the time of subdivision/site plan approval, as approved by the Development Services Department.
3. That a landscaping theme creating a strong visual identity be developed for the entryway along 23rd Avenue (upon redevelopment of Parcel 7) consistent with Commerce Park standards. Landscaping shall be provided, within the right-of-way along the east side of 21st Avenue, with a minimum 10' landscape setback (which shall include minimum 15-gallon size drought resistant shade trees spaced a maximum 20' on center, or provided in equivalent groupings). Along the west side of 21st Avenue, a 6' decorative masonry wall shall be provided, to be set back a minimum 25' from the right-of-way. The setback area shall be dustproofed in an appropriate manner, as approved by Development Services Department.
4. That the site be maintained in a dust and litter free condition, as approved by the Development Services Department.
5. That independent of the development *east* of 21st Avenue, Parcel 7 shall comply with A-1 development standards for the existing use, or seek appropriate variance relief.