

ATTACHMENT B



City of Phoenix

Staff Report: PHO-1-24--Z-101-98-2 July 12, 2024

APPLICATION #: PHO-1-24--Z-101-98-2

LOCATION: Approximately 280 feet south of the southwest corner of 25th Street and Bell Road

EXISTING ZONING: C-3

ACREAGE: 2.31

REQUEST: 1) Request to modify Stipulation 7 regarding emergency vehicle access on 25th Street.

APPLICANT: Randy Gilliam, Gilliam Architecture

OWNER: Scott Feuer, Orsett Cave Creek Bell, LLC

REPRESENTATIVE: Randy Gilliam, Gilliam Architecture

STAFF RECOMMENDATION

Denial, as recommended by the Planning Hearing Officer (PHO).

PLANNING HEARING OFFICER RECOMMENDATION

On May 15, 2024, the Planning Hearing Officer recommended denial.

VILLAGE PLANNING COMMITTEE RECOMMENDATION

The Paradise Valley Village Planning Committee chose not to hear this case.

BACKGROUND/ANALYSIS

The subject site consists of 2.31 gross acres located approximately 280 feet south of the southwest corner of 25th Street and Bell Road and is zoned C-3 (General Commercial). The applicant requested to modify Stipulation 7 regarding emergency vehicle access on 25th Street.

The applicant appealed the PHO recommendation, arguing that an additional drive approach into the rear property is essential for the business to safely and efficiently maintain and control deliveries into and out of the property by separating deliveries from the customer parking lot.

PREVIOUS HISTORY

On February 17, 1999, the Phoenix City Council approved Rezoning Case No. Z-101-98-2, a request to rezone approximately 2.3 acres located 300 feet south of the southwest corner of 25th Street and Bell Road (Exhibit E). The proposed development was intended to be commercial development consisting of one building to include 17,000 square feet of storage space and 3,000 square feet of office space.

The property was previously zoned R-3A (Multifamily Residence District). The Zoning Hearing Officer (ZHO) recommended denial of the rezoning on December 21, 1998. The ZHO stated the proposed use of the site was not consistent with the community, as the City was making an effort to stabilize the residential neighborhood from any commercial development. The ZHO argued that the uses permitted in the C-3 Zoning District were not conducive to residential neighborhood stabilization or with the General Plan. The ZHO argued that access to the site would be from a local street, placing commercial traffic on a residential street, further disrupting the neighborhood to the south. The Planning Commission recommended approval, subject to mitigating stipulations on January 13, 1999; the Phoenix City Council ratified the Planning Commission's recommendation on February 17, 1999.

NEIGHBORHOOD CONCERNS

Public Correspondence

There was no public correspondence for the case.

GENERAL PLAN LAND USE MAP DESIGNATION

Residential 5 to 15 dwelling units / acre

CHARACTER OF SURROUNDING LAND USE

	Zoning	Land Use
On-site:	C-3	Commercial (The Window Depot)
North:	C-2	Restaurant (McDonald's) Restaurant (Tuliberto's)
East:	R-3A	Vacant (Proposed multifamily residential)
South:	R-3 P-1 C-2	Single-family residential and vacant land (proposed multifamily residential) Parking lot Multifamily residential
West:	C-2	Commercial (Fabric Depot & Supply, LLC) and vacant land with a drive aisle

PLANNING HEARING OFFICER FINDINGS

- 1) The request to modify Stipulation 7 regarding gated entry access drive is recommended to be denied.

The Street Transportation Department is unable to support the proposed modification to Stipulation #7 as the modification directly contradicts a provision established in Section 507 Tab A.II.A.6.3.1 prohibiting nonresidential uses access to local or collector streets.

6.3.1. Nonresidential uses should not be permitted to access local or collector streets if adequate access is available to arterial streets. (P)

Rationale: Nonresidential traffic on local streets should be minimized and directed out of neighborhoods.

The subject site is zoned C-3, developed with a nonresidential use, and 25th Street is a local residential road. Therefore, amending the stipulation to allow a non-residential use access to 25th Street would directly contradict existing city regulations. Therefore, the Street Transportation Department is unable to support the proposed modification.

PLANNING HEARING OFFICER STIPULATIONS:

MITIGATING STANDARDS	
1.	That, except as modified by the following stipulation the site design shall be in substantial conformance to the site plan dated September 6, 1998, as may be modified by the Development Services Department. Site design shall place emphasis on mitigating impacts upon the surrounding neighborhood. This emphasis shall include, but not be limited to; screening and landscaping, traffic mitigation, graffiti resistant wall treatment and CPTED design principles.
2.	That a minimum of 20-foot landscape setback shall be provided along 25th Street and at the south property line. The landscape area shall contain minimum 15-gallon trees placed 20 feet on center. At least 50 percent of the trees shall be a minimum of 24-inch box in size.
3.	That any materials stored on the site shall be screened from view so that they do not exceed the height of the screening walls and are not visible over the perimeter wall regardless of height.
4.	That there be no storage of inoperable vehicles.
5.	That landscaping adjacent to the walls shall include materials which as cat claw which by means of their clinging nature thorns or other features, discourage graffiti.
6.	That the gated emergency entry shall consist of materials designed to screen views from the property.
7.	That there be no access onto 25th Street except for emergency vehicles.
8.	That CPTED (Crime Prevention Through Environmental Design) principles shall be incorporated into the design and layout of this site, as approved by the Development Services Department.
9.	That the applicant agrees to pursue a variance for a 10-foot screen wall.
10.	That development shall commence within one year of final City Council approval in accordance with Section 506.B.1 of the Zoning Ordinance.

Exhibits:

- A- Appeal Document (3 pages)
- B- Applicant's Narrative date stamped April 16, 2024 (3 pages)
- C- Aerial Map (1 page)
- D- Zoning Map (1 Page)
- E- Approval Letter for Rezoning Case No. Z-101-98-2 (2 pages)
- F- Sketch Map from Rezoning Case No. Z-101-98-2 (1 page)
- G- PHO Summary for PHO-1-24—Z-101-98-2 from May 15, 2024 (3 pages)
- H- Stipulated Site Plan for Rezoning Case No. Z-101-98-2 (1 page)
- I- Proposed Site Plan date stamped March 20, 2024 (1 page)

EXHIBIT A



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

CITY OF PHOENIX

MAY 22 2024

**Planning & Development
Department**

The PLANNING HEARING OFFICER agenda for May 15, 2024 is attached.

The City Council May Ratify the Recommendation of the Planning Hearing Officer on June 26, 2024 Without Further Hearing Unless:

- **A REQUEST FOR A HEARING BY THE PLANNING COMMISSION** is filed by 5:00 p.m. on May 22, 2024. (There is a **\$630.00 fee** for hearings requested by the applicant.)

Any member of the public may, within seven (7) days after the Planning Hearing Officer's action, request a hearing by the Planning Commission on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m. on May 22, 2024.

APPEAL FORM

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

PHO-1-24-Z-101-98-2(6)
APPLICATION NO.

16802 N. 25th St. Phoenix, AZ 85032
LOCATION OF APPLICATION PROPERTY

Randy J. Gilliam
NAME (PLEASE PRINT)

OPPOSITION APPLICANT

575 W. Chandler Blvd. #225
STREET ADDRESS:

rgilliam@gilliamarchitecture.com
EMAIL:

Chandler, AZ 85225
CITY, STATE AND ZIP CODE

480-236-1228
TELEPHONE NO

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

APPEALED FROM May 15, 2024 PHO HEARING TO 8/1/24 PC HEARING
DATE DATE

SIGNATURE: Randy J. Gilliam

DATE: 5-21-2024

REASON FOR APPEAL:

An additional drive approach into the rear property is essential for the business to safely and efficiently maintain and control deliveries into and out of the property, separating deliveries from the customer parking lot.

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

PLANNER TAKING APPEAL: Dan Clark

Copies to:

Case File

PHO Planner – Teresa Garcia

PHO Secretary – Ruth Somoza



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION
APPLICATION NO: APZ-18-24
Council District: 2

Request For: Appeal of PHO Recommendation

Reason for Request: See Appeal Form

Contact Information

Name	Relationship Type	Address	Phone	Fax	Email
Randy Gilliam_Contact	Applicant	1437 West Auto Drive			rgilliam@gilliamarchitecture.com

Property Location: Approximately 280 feet south of the southwest corner of 25th Street and Bell Road

Acreage: 2.78

Village: Paradise Valley

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 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: 5/22/2024

Fee Information

Fee	Fee Waived	Fee Date	Purpose
\$630.00	\$0.00	05/22/24	Planning and Zoning Appeal Fee



To find out about Phoenix construction code adoption news and to research your permits or projects, please visit <http://www.phoenix.gov/PDD>

City Of Phoenix

**PLANNING AND DEVELOPMENT DEPARTMENT
200 W. Washington St
Phoenix, Arizona 85003**

Your payment was successful.

Order Status	Successful
Applied Payment	\$630.00
Contact	Randy Gilliam_Contact
Operator	Adam Gutierrez
Process Date	5/22/2024 10:38 AM
Receipt Number	R-0189302
Payment	Credit Card - PDD
Amount	\$630.00
Credit Remaining	\$0.00

Fee Payments

Related to	Fee Type	Total	Outstanding	Amount
APZ-18-24	Planning and Zoning Appeal Fee	\$630.00	\$0.00	\$630.00

City's Right to Audit and Adjust Impact Fees
The development impact fees assessed to this permit have been adopted pursuant to Arizona Revised Statute §9-463.05. To ensure compliance with Arizona law, the City may audit the development impact fees for this permit; which could result in additional charges. The City reserves the right to withhold Certificate of Occupancy until adjusted balances pursuant to applicable City and State laws are paid in full.

Thank you for your transaction. We appreciate your business and look forward to serving you in the future.

EXHIBIT B

GILLIAM ARCHITECTURE, LLC

ARCHITECTURE + PLANNING + INTERIORS + ILLUSTRATION
575 W. Chandler Blvd. | Suite 225 | Chandler, Arizona 85225

March 18, 2024, rev 4-16-2024

CITY OF PHOENIX

APR 16 2024

**Planning & Development
Department**

PHO Written Request

The Window Depot
16802 N. 25th St. Phoenix, AZ 85032

Project Background & Description

This facility is currently owned by Orsett Cave Creek Bell, LLC, (Orsett Properties, LLC) and the tenant is The Window Depot. An interior tenant improvement for the Window Depot, was recently submitted and approved by the City of Phoenix's Building Department on December 19th, 2023, under Plan # 2306242-LPRM.

The Window Depot is a specialized home improvement retail facility with a large inventory of doors and windows, as well as other home improvement products such as skylights, wood molding, countertops, sinks, kitchen cabinets and more. With their showroom and huge warehouse environment, the Window Depot provides contractors as well as home improvement customers a large selection of inventory and a dedicated customer service experience.

Essential to their business model, is Window Depot's focus toward the customer service area. Currently, the main entrance for customers, including contractors is located along the west side of the building, which is adjacent to the customer service counter and showroom. The remainder of the building is dedicated to warehouse storage space. To maintain their extensive inventory, delivery trucks are integral to their business model. Currently, deliveries to and from the warehouse are accessed from the single gate and access drive on the west side of the building which overlaps with the customer parking lot, see the attached site plan, Exhibit B for reference. As shown in the attached Exhibit B, this creates a bottleneck for delivery trucks and the customer vehicular traffic. This one point of access creates a vehicular traffic issue as it forces delivery trucks in areas where customers park and enter the building.

The property consists of 2.09 acres and is zoned C-3 for commercial use. The APN number is 214-26-005.

Surrounding Development

The property is adjoined by several retail establishments and several vacant commercial lots. McDonald's Restaurant and Filiberto's Restaurant are to the north of the property, and vacant lots are to the east and to the west of the property. To the south of the property are one-story residential properties.

- North – McDonalds Restaurant / Filiberto's Restaurant
- South- One Story Residential
- East- Unbuilt lot
- West- Unbuilt Lot
- Fabric Depot & Supply

Refer to the Site Plan submitted with this application for reference.

Access

The primary access into the development is through a single access drive which runs along the northern edge of the subject property from 25th Street to N. Cave Creek Road (24th Street). This is single shared access drive for the adjoining developments and other adjacent commercial lots. This access drive is also the primary access point for customers visiting the Window Depot Store, providing access to the customer parking area along the west side of the building. Currently, this is also the same access point for the delivery trucks coming into and leaving out of the warehouse, and the reason for this PHO request.

PHO Hearing Request

This request is to modify one (1) of the ten (10) stipulations under the Zoning Case Z 101-98-2, from September 6, 1998, for the property to allow for one (1) additional curb cut and access drive from the Window Depot's rear parking lot and delivery area. See site plan submitted with this application for reference.

Stipulation to be modified for the subject site is Stipulation #7.

Stipulation #7. The proposed request is to modify Stipulation #7 (Z 101-98-2) which currently states as follows: **"That there be no access onto 25th Street except for emergency vehicles."**

to the following, or similar:

"That there be no access onto 25th Street except for emergency access vehicles, AND ONE (1) GATED ENTRY ACCESS DRIVE FROM THE SOUTH PAVED PARKING LOT AND YARD.

Rationale (modification):

By allowing for a separate delivery access to the rear lot, this will separate the delivery truck traffic from the customer parking lot / pedestrian traffic. This will provide a more efficient and safer separation of the customer parking area from the delivery truck / warehouse areas.

Furthermore, the proposed new access / curb-cut will be designed to allow for a right turn in and left turn out access only to encourage access back onto Bell Road and discourage access south of 25th street. The proposed gate would consist of materials designed to screen views from the property, as stipulated in the Zoning Case Z 101-98-2 stipulation #6.

In summary, we request to modify the stipulation #7 to allow for one (1) gated entry access approximately 193 feet from the northeastern property corner.

Should there be any additional questions, comments, or if additional information is required regarding this PHO request, please let me know at your earliest convenience. Thank you for your time and consideration.

Sincerely,



Randy J. Gilliam, NCARB, RA
Principal
rgilliam@gilliamarchitecture.com
T. 480-236-1228

EXHIBIT C

Planning & Development Department

0 85 170 340 Feet



PHO-1-24-Z-101-98-2

Property Location: Approximately 280 feet south of the southwest corner of 25th Street and Bell Road

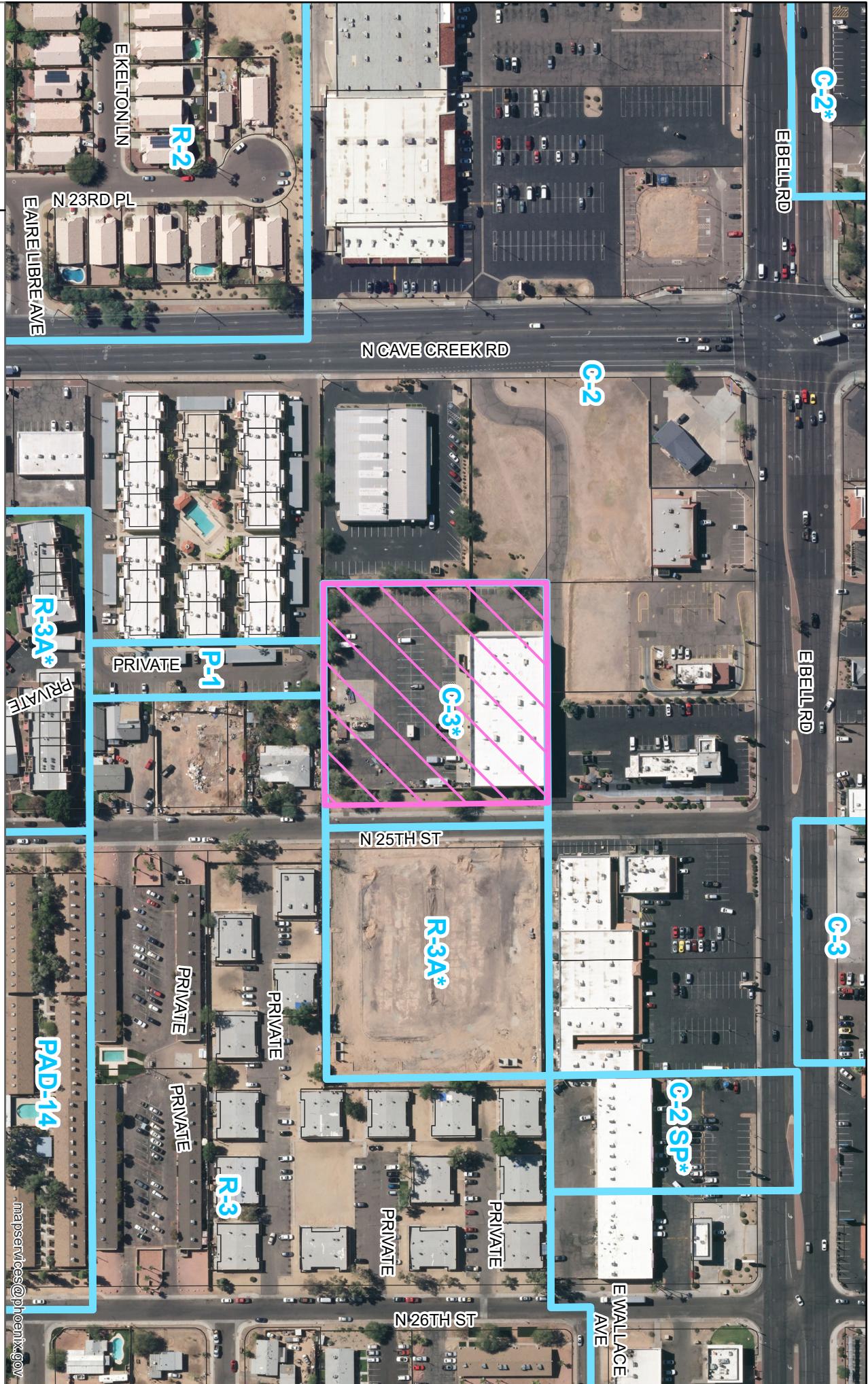


EXHIBIT D

0 85 170 340 Feet



PHO-1-24-Z-101-98-2 Property Location: Approximately 280 feet south of the southwest corner of 25th Street and Bell Road

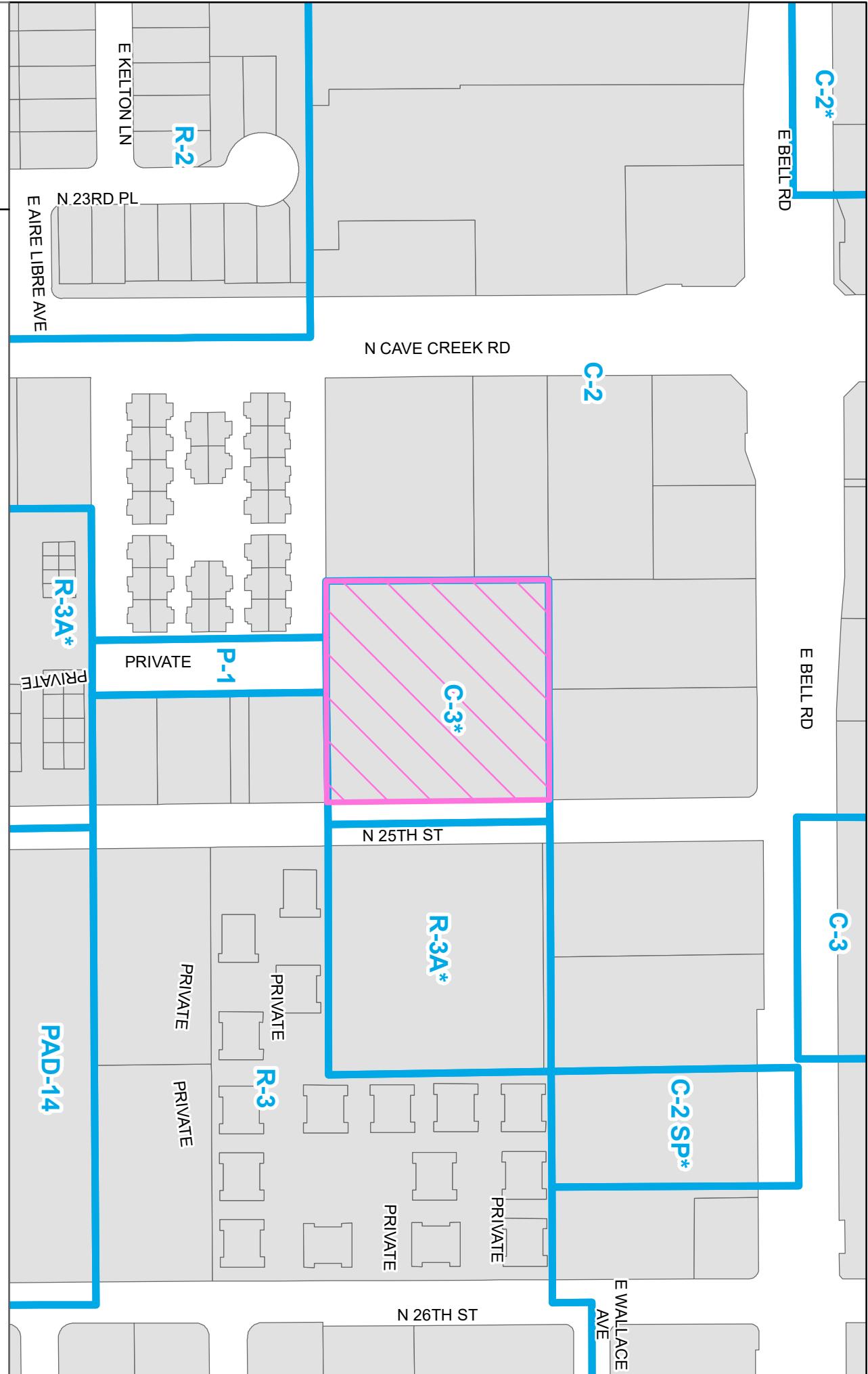


EXHIBIT E



City of Phoenix
PLANNING DEPARTMENT

February 19, 1999

Ken O'Dell
4203 East Indian School Road #230
Phoenix, AZ 85018

Dear Applicant:

RE: Z-101-98-2

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 17, 1999, concurred in the recommendation of the Planning Commission and has ratified the approval of, with stipulations application Z-101-98-2 for C-3, on approximately 2.3 acres located 300 feet south of the southwest corner of 25th Street and Bell Road.

MITIGATING STANDARDS

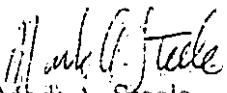
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2. That a minimum 20 foot landscape setback shall be provided along 25th Street and at the south property line. The landscape area shall contain minimum 15 gallon trees placed 20 feet on center. At least 50 percent of the trees shall be a minimum of 24-inch box in size.
3. That any materials stored on the site shall be screened from view so that they do not exceed the height of the screening walls and are not visible over the perimeter wall regardless of height.
4. That there be no storage of inoperable vehicles.

5. That landscaping adjacent to the walls shall include materials such as cat claw which, by means of their clinging nature, thorns or other features, discourage graffiti.
6. That the gated emergency entry shall consist of materials designed to screen views from the property.

Mod 7. That there be no access onto 25th Street except for emergency vehicles.

8. That CPTED (Crime Prevention Through Environmental Design) principles shall be incorporated into the design and layout of this site, as approved by the Development Services Department.
9. That the applicant agrees to pursue a variance for a 10 foot screen wall.
10. That development shall commence within one year of final City Council approval in accordance with Section 506.B.1 of the Zoning Ordinance.

Sincerely,


Mark A. Steele
Principal Planner

c:

City Clerk Sherry Williams
Tim Boling, NSD Kelly Zak, Site Planning
Files Bob Luxton, Sign Enforcement
David Barrier, Building Safety

Bernadine Alling
John Parks, Development Services
Ben Leonard, Public Transit

EXHIBIT F

EXHIBIT G

REPORT OF PLANNING HEARING OFFICER ACTION
Byron Easton, Planner III, Hearing Officer
Teresa Garcia, Planner I, Assisting

May 15, 2024

ITEM NO: 2	
	DISTRICT NO. 2
SUBJECT:	
Application #:	PHO-1-24--Z-101-98-2
Location:	Approximately 280 feet south of the southwest corner of 25th Street and Bell Road
Zoning:	C-3
Acreage:	2.78
Request:	1) Request to modify Stipulation 7 regarding emergency vehicle access on 25th Street.
Applicant:	Randy Gilliam, Gilliam Architecture
Owner:	Scott Feuer, Orsett Cave Creek Bell, LLC
Representative:	Randy Gilliam, Gilliam Architecture

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended denial of the request.

Village Planning Committee (VPC) Recommendation: The Paradise Valley Village Planning Committee opted not to hear this request.

DISCUSSION:

Randy Gilliam, a representative from Gilliam Architecture, 575 West Chandler Boulevard Suite 225, Chandler Arizona 85225, gave an overall summary of the business and the current conditions on the site. He stated the modification request included adding an access gate from the rear service yard onto 25th Street for delivery trucks. He stated there is only one access point for customers and delivery trucks on the western portion of the site and the new access gate would minimize traffic and safety concerns for customers and employees.

Byron Easton, Planning Hearing Officer, stated a future multifamily development is located across the street from the site and existing single-family residential is located to the south. He stated 25th Street is a local street and prohibits non-residential uses, therefore delivery trucks cannot utilize the street. He recommended denial of the stipulation modification.

FINDINGS:

- 1) The request to modify Stipulation 7 regarding gated entry access drive is recommended to be denied.

The Street Transportation Department is unable to support the proposed modification to Stipulation #7 as the modification directly contradicts a provision established in Section 507 Tab A.II.A.6.3.1 prohibiting nonresidential uses access to local or collector streets.

6.3.1. Nonresidential uses should not be permitted to access local or collector streets if adequate access is available to arterial streets.

Rationale: Nonresidential traffic on local streets should be minimized and directed out of neighborhoods.

The subject site is zoned C-3, developed with a nonresidential use, and 25th Street is a local residential road. Therefore, amending the stipulation to allow a non-residential use access to 25th Street would directly contradict existing city regulations. Therefore, the Street Transportation Department is unable to support the proposed modification.

STIPULATIONS:

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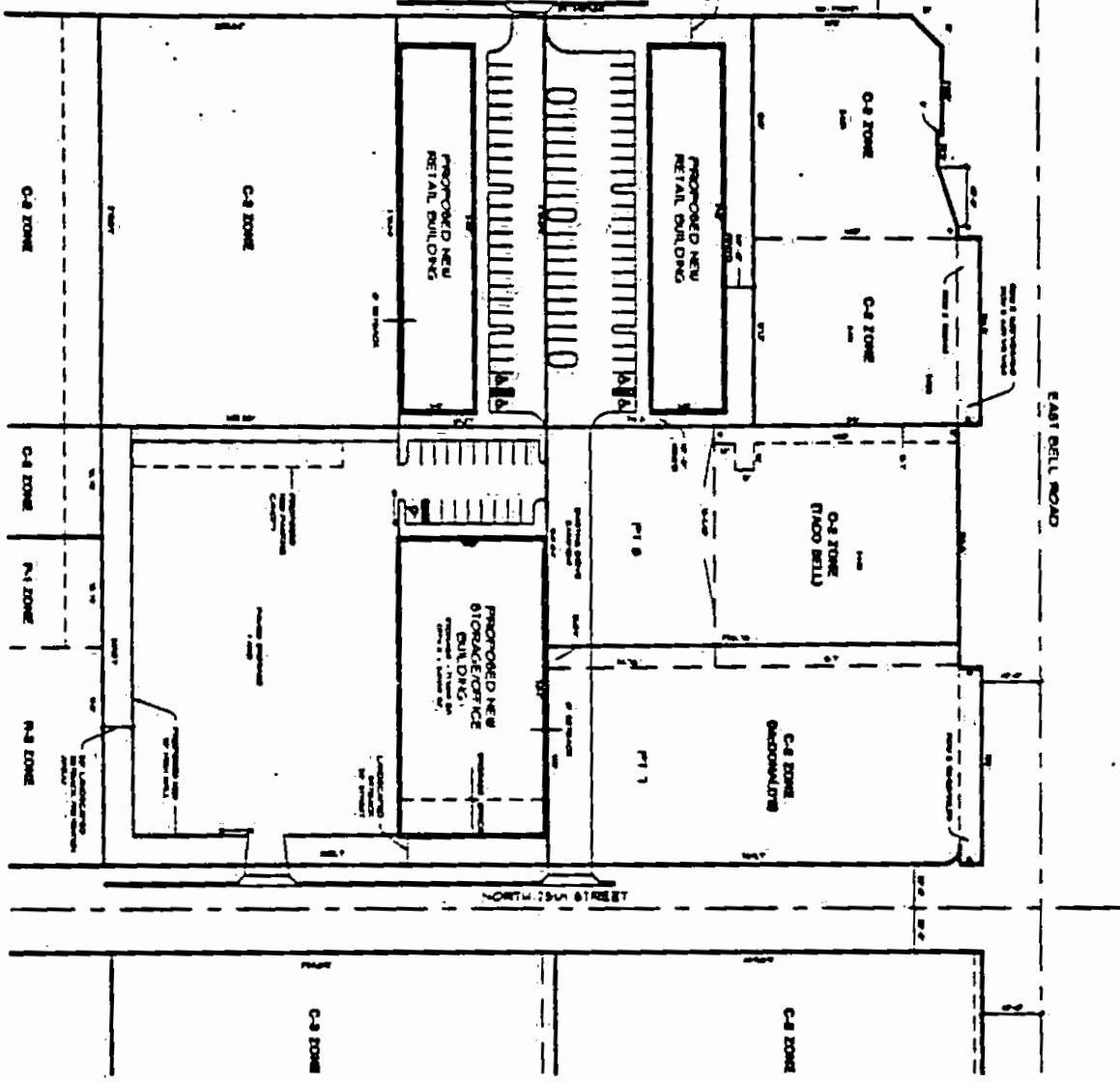
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Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. To request a reasonable accommodation, please contact Teleia Galaviz at teleia.galaviz@phoenix.gov or (602) 291-2559 or TTY: 7-1-1

EXHIBIT H

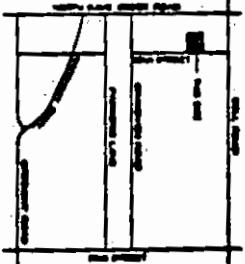
NORTH CAVE CREEK ROAD (24th STREET)

EAST BELL ROAD



MAP INDEX

LEGAL DESCRIPTION



PROPERTY DATA

AMERICOR FACILITY
24TH STREET & BELL ROAD

Ken O'Dell + Associates
architects and planners

SD-1

EXHIBIT I

