

Attachment F

CITY OF PHOENIX
PLANNING AND DEVELOPMENT DEPARTMENT

FORM TO REQUEST PC to CC			
I HEREBY REQUEST THAT THE PC / CC HOLD A PUBLIC HEARING ON:			
APPLICATION NO/ LOCATION	Z-86-18-2 Northeast and southeast corners of Black Canyon Highway and the Dynamite Boulevard alignment	(SIGNATURE ON ORIGINAL IN FILE)	
		opposition	X
APPEALED FROM:	PC 6/6/19		
	<small>PC DATE</small>		
TO PC/CC HEARING	CC 7/3/19	Sam Bezos BC Dynamite Apartments L.L.C. 248-320-1414 sbeznos@beztak.com	
	<small>CC DATE</small>	<small>NAME / PHONE / EMAIL</small>	
REASON FOR REQUEST: As an owner as a tenant in common of approximately 8 acres of vacant land, we strongly object to the rezoning and disagree with the City's actions thus far. See attached letter dated March 8, 2019. Requesting a three-fourths vote.			
RECEIVED BY:	RE/AM	RECEIVED ON:	6/13/19

Alan Stephenson
Joshua Bednarek
Tricia Gomes
Racelle Escolar
Christina Encinas
Stephanie Vasquez
Leah Swanton
Amanda Murrietta
Danielle Jordan
Applicant



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

CITY OF PHOENIX

JUN 13 2019

The **PLANNING COMMISSION** agenda for June 6, 2019 is attached.

Planning & Development
Department

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2. A **WRITTEN PROTEST** is filed, no later than seven (7) days after the Planning Commission's action, which requires a three-fourths vote. A written protest will require a three-fourths vote of the City Council to approve a zoning change when the owners of at least 20 percent of the property by area and number of lots, tracts, and condominium units within the zoning petition area have signed the petition. The zoning petition area includes both the area of the proposed amendment, and the area within 150 feet of the proposed amendment, including all rights-of-way. For condominium, townhouse and other types of ownership with common lands, authorized property owner signatures are required. Please see Planning and Development Department Staff for additional information prior to gathering signatures.

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I HEARBY REQUEST THAT THE CITY COUNCIL HOLD A PUBLIC HEARING:

2-86-18-2
APPLICATION NO.

East Side I-17 @ Dynamite Blvd. Ext.
LOCATION OF APPLICATION SITE

06/06/2019
DATE APPEALED FROM

OPPOSITION
 APPLICANT

David Simmons
PLANNER
(PLANNER TAKING THE APPEAL)

BY MY SIGNATURE BELOW, I ACKNOWLEDGE CITY COUNCIL APPEAL:

TAX PARCEL 204-23-464A
BC Dynamite Apartments L.L.C.
PRINTED NAME OF PERSON APPEALING

[Signature]
SIGNATURE Sam Beznos, President of the Manager

31731 Northwestern Hwy., Ste. 250W
STREET ADDRESS

06/12/2019
DATE OF SIGNATURE

Farmington Hills, MI 48334
CITY, STATE & ZIP CODE

(248) 320-1414 Mobile / (248) 737-6110 Office
TELEPHONE NO.

sbeznos@beztak.com
EMAIL ADDRESS

REASON FOR REQUEST

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APPEALS MUST BE FILED IN PERSON AT 200 WEST WASHINGTON, 2ND FLOOR, ZONING COUNTER

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PRINTED NAME OF PERSON APPEALING


SIGNATURE Sam Beznos, President of the Manager

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STREET ADDRESS

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	<i>CC DATE</i>	<i>NAME / PHONE / EMAIL</i>	
REASON FOR REQUEST: As the owner of 304 apartments, we strongly object to the rezoning and disagree with the City's actions thus far. See attached letter dated March 8, 2019. Requesting a three-fourths vote.			
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Tax Parcel 204-23-9648
Dynamite Development Company of Sage, LLC
PRINTED NAME OF PERSON APPEALING

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Sage Luxury Apartment Homes

Dynamite Apartments I LLC, 31731 Northwestern Highway, Ste 250W, Farmington Hills, MI 48334 (248) 855-5400

March 8, 2019 (revised from previous 2-13-19 letter)

City of Phoenix Planning and Development Department
200 W. Washington Street, Second Floor, Phoenix, AZ 85003
Attn: Nick Klimek - Planner for Deer Valley District

Re: Objection to Rezoning Case Z-86-18-2 on the Black Canyon Highway Service Drive at the Dynamite Boulevard Extension (revised from 2-13-19 letter)

Dear Mr. Klimek,

Please inform the Deer Valley Village Planners and City of Phoenix Planning Commissioners that, as a neighbor directly adjacent to the north and east, **we strongly object** to the proposed Rezoning of this property for use as an outdoor Boat & RV Storage Facility. We have reviewed the provided (and sometimes conflicting) information, and felt it important to voice our concerns. Before we identify specific concerns, it is important to note we have no record of being invited to any Neighborhood Meetings. We were, therefore, not present to participate in the public meeting discussion. As the neighbor most immediately impacted by this use, representing over 300 units and about 600 residents (not including phase 2 with 232 more units and maybe 500 more residents), we would have expected to be invited or at least received a call. The Developer has since informed us it was an error in label printing, and the Developer did provide us with information and answer questions in a recent conference call.

Our objections regarding the Use and Plan are as follows:

City's goal of a balance between housing and jobs is not met. The General Plan and Land Use Map envision Residences or Employment Centers for this area. Deer Valley's official brochure states that one of its principles is to balance housing and employment. A Commerce Park with businesses in a campus-like setting provides the opportunity for numerous well-paying jobs. Higher-density housing brings more residents (and their income) into the area. An outdoor storage facility with 24-hour keycard access will do neither. It will have at most few employees. This rezoning/development doesn't match the vision outlined by the General Plan. Has the Applicant provided information about the permanent jobs created by this project? Using generally conservative employment numbers of 25 people per acre for a suburban commerce park (upwards of 30 – 35 for light manufacturing and software/GIS), we estimate a commerce park on this site would employ approximately 275 people, 750 people total if it were expanded into the parcels whose road access this project will cut off. At 14.5 units/acre, a higher density residential development like the one recently proposed just south of this site, could provide 159 housing units, or up to 434 units if the adjacent 19 acres are included instead of being cut off from full access to the Service Drive. This proposed rezoning/development seems to go in the opposite direction of the goals set forth in the General Plan for Deer Valley, and at very least prevents the highest and best use of the remaining 19 acres of residentially zoned parcels.

Boat and RV Storage is a special use for a reason. Boat and RV Storage is listed in the Ordinance as a special use because it is not a reasonable use under most circumstances. It is only reasonable under certain circumstances. The Special Use category was made to protect area residents and property owners from development that is not suitable for the specific circumstances. Inserting a 24 hour a day outside business next to our development with 304 apartments with nearly 600 residents, including families with children, plus our future phase and the other adjacent residential uses with by eliminating a road extension and limiting the potential for adjacent development to whatever works with a only 20' access easement is not beneficial to the area. The rezoning for this development runs counter to all the protections the Ordinance puts in place.

The plan attached to our notice is not the same plan as reviewed by the City. The plans we've received are different and have different dates. We expect to be given accurate information when asked to comment on such an important subject. The information on the current (?) plans also does not match the information stated on the website advertising the Fall 2019 opening of this storage development. Regardless of which information is correct, this proposed development greatly impacts our residents, our business, and our high-end community, and jeopardizes the attractiveness of Sage Luxury Apartments.

Why are the future road extensions no longer important? The proposed development eliminates 2 future road extensions that would allow full development the acreage parcels east of this development. It eliminates the proposed Dynamite Boulevard extension and it leaves only a 20' easement for Oberlin Way along its south edge for access to this remaining acreage. This proposed outdoor storage development restricts future development of the rest of this area west of the Wash, by our calculations, upwards of 19 acres. When Sage Apartments was developed, we were required to leave room for a cul-de-sac for the Dynamite Blvd extension. We omitted some parking, added walls and 2 gates, and configured our pool area accordingly. Now the City appears unconcerned that road access that would have served our site (additional access and emergency access) plus provided access to undeveloped parcels is being eliminated. The 1/4 cul-de-sac shaped area that would be left vacant in the corner of our site will be costly and inefficient to reclaim.

This storage yard will be developed in phases, with the southerly parcel being developed first, the northerly parcel second and the office building developed third. If Phase 1 is completed and less successful than anticipated, then Phase 2 might not be developed for many years, if ever. The neighbors will be left with a bunch of storage canopies, a half-installed wall, no business office, no chance for a Dynamite Road extension, and the wasted potential for additional development on the remaining parcels to the east. Usually when a development includes a road that is supposed to extend through it, that road is extended through the development. At very least the developer dedicates the necessary land for the future r.o.w. and design their site accordingly. Nothing is dedicated for Dynamite Blvd and only 20' is dedicated to Oberlin Road. The smallest road r.o.w.s allowed by the City are 50' to 60' wide. Is the McDonald Trust, the property owner to the south, willing to dedicate 30' to 40' (10' to 20' more than the storage site) to preserve the other property owners' rights for access? Eliminating the potential for road access into these easterly parcels is denying the owners and neighbors of the benefits of the highest and best use of those parcels. Eliminating the Dynamite Blvd extension is not in the City's or the neighbors' or the public's best interest.

The Applicant's Traffic Study starts with a disclaimer. It states that they have no real data for Boat & RV Storage businesses. It is unreasonable to ask neighboring property owners and municipal officials to evaluate the impact of a specific site use, when one of the key topics, traffic impact, is estimated based on presumptions. The traffic study doesn't seem to take into account that many trips to this Site actual generates 2 trips through the northbound service drive's intersection with Jomax Road (see below). Also, without actual Boat & RV Storage data, the peak hours of a.m. and p.m. usage are unknown. Knowing when most of the traffic will occur would be necessary to truly determine the impacts and appropriate mitigation for this site.

The applicant's stated decrease in traffic doesn't paint the whole picture. It is likely true that the total amount of daily traffic will likely be less. The more importance fact is that people with fishing boats or ATVs will probably pick them up very early in the morning, on the way to the lake. They might pick their boat or RV up the day before, on their way home from work, during rush hour, or at night after they are done with dinner and the kid's homework. The point is they won't be picking up or dropping off their Boat or RV mid-day. They will be picking up or dropping off their Boat or RV at the lease convenient times for the adjacent residential uses. In addition, the applicant states that nearby RV resorts to the north is a reason for the placement of this storage facility. This highlights a larger issue. There is no on-ramp from the service drive to I-17 North at the Dixileta Overpass so traffic from this site cannot head directly north. There is a service drive and northbound on-ramp north of the 303 overpass, but there is a 0.7 mile gap in the service drive between Dixileta and the 303 overpass. North of the Dixileta Overpass, the service drive turns east and connects to North Valley Pkwy, but that part of the service drive is only for the City Transfer Station and Mine Traffic. All other traffic can be ticketed. To access I-17 North from properties on the east side of I-17 north of Jomax must drive north on service drive and cross over I-17 on the Dixileta Overpass, then drive south on service drive to cross over I-17 on the Jomax Overpass, then drive North on service drive to I-17 North on-ramp, for a round trip of about 4 miles. This trip requires a client of this proposed storage site to pass through the Jomax/northbound service drive intersection twice for every trip that continues north on I-17. The total trips associated with picking up an RV also increase if 2 people take a car to pick up a drivable RV, then both vehicles head back home to prepare the RV for a later trip.

The applicant's narrative states there is a significant deficiency of demand over supply. If there is a deficiency of demand over the amount of storage available, then this development is not necessary. If they mean there is a deficiency in supply, then they should indicate why the 426 vehicles current parked for free at home will be moved to a new facility that charges rent. Are every one of these 426 boats/rvs parked illegally?

Conformance with and Support of the Core Values. We do not recognize that outdoor storage celebrates a diverse community, and renting a storage space provides any strengthening of the local economy. We have read the statements provided. They are "a stretch". If anything, as proposed this development will weaken the economy by only providing a few jobs while greatly restricting the potential development on the adjacent properties (by eliminating the road extensions)

The staff Report states it is compatible with adjacent residential uses. A 24-hour business that involves 24-hour security lighting plus loading and unloading trailers in the morning and evenings is not compatible with residential uses adjacent and very close by. The proposed use will really be a nuisance for the area residents. Boat owners and ATV owners will start their motors to make sure they are running properly, and maybe even perform a tune-up before they head to the lake or trails,

adding new noise levels to the clanging and banging of trailers. Most of this noise will occur early in the morning or in the late afternoon/evening.

The staff Report states it will generate little traffic. We urge the City to carefully assess the real traffic impacts of a development like this. We acknowledge it will likely generate less total traffic than many other Uses, but we doubt the traffic it generates is spread out over the whole day, and there is probably little traffic during the normal business day when staff is onsite. Since this site deals in the storage of recreational vehicles of all sorts, its weekday traffic will likely be before and after work hours and its weekend traffic will be primarily late Friday evening or very early Saturday morning for pick-ups and very late Sunday evening for drop-offs. (See the above statement about traffic)

The staff Report states the plan includes impact-mitigating features. No features have been included to mitigate the impact to future development by eliminating Dynamite Boulevard and Oberlin Way. Also, has the lighting plan been studied as it relates to 24-hour lighting? Pole lights in an open parking lot reflecting off large vehicles will create a considerable amount of light, even if the light fixtures are top-shielded. If all the storage parking spaces are covered, then the light will be reflecting off of large and much taller galvanized metal roofs. Has a mitigation feature for loud sounds late at night or early in the morning been identified? Someone hooking up their boat early in the morning to go fishing will make louder-than-usual noise. Almost everyone who hooks up to their quadrunner trailer will start the engine(s) to be sure they run before heading to the desert. Finally, we've been told the storage garages will reduce the noise from I-17. That reduction will only be for the small distance they extend above the top of our wall (10'+ tall wall in that area). The garages will actually introduce a new source of noise much closer to the apartment residents.

And a few general comments.

- It is difficult to comment on the proposed site plan itself, as we just found out it is different from the one we were sent with the Meeting notice. We are told the accurate final storage space count is 230 units. The website announcing the opening of this development states there will be 350 spaces + 50 garages, and it offers the option of open, uncovered spaces.
- The applicant mentions nearby RV resorts for the placement of this storage facility. We find it unlikely that area residents will pack up their RV regularly for 15- to 30-mile trips. Long-term RV parks mean the RV's will be likely kept at the resort, not at this facility.
- No boat storage is identified on the plan. All the proposed types/locations of storage areas must be identified per the ordinance.
- Will the boat storage consist of individual boats on trailers, or will some boats be stored vertically on hoists?
- Will this facility allow storage of sandrails, waverunners and jet skis, quadrunners, motorcycles and other similar vehicles, or spare parts for the vehicles?
- Is there a development provision to prevent people from working on or testing/tuning up motors and engines on the site? How will it be enforced if staff is only on site 9am to 7pm?
- Will clients be allowed to store other outdoor equipment like tents, bikes, innertubes, fishing tackle, etc., (not contained within a primary vehicle) as long as it is on a licensed trailer?
- How often will units and/or covered trailers be inspected to be sure only permitted items are being stored?

- Will the hours of operation be limited to prevent late night or early morning noise between 9pm and 7 am?
- Why is the effluent waste pumping area close to the residences? Can it be moved farther away?
- Why are garage and carport heights dimensioned to the lowest side of the structure? What are their maximum heights?
- The landscape plan does not include heights of the plant materials.
- Will this site also store sailboats? If so, will masts be required to be folded down and stored flat? Will fixed-mast boats be allowed? How will screening for fixed masts be accomplished?
- There are existing apartments, existing single family homes on big parcels and recently approved attached housing surrounding this site. Putting a storage facility into the middle of all these residential uses will be disruptive to all the adjacent owners. Eliminating the potential for development of the remaining large parcels is incredibly short-sighted.

We have made a significant investment in Sage Luxury Apartments, including a large investment to bring water and sewer to the site, sized to consider future development of this area as the business parks and employment centers or residences. Under-developing this area by eliminating roads, restricting future development and building an incompatible Boat & RV Storage site goes in the opposite direction envisioned by the General Plan, and ignores our infrastructure investment not only for our site but for future development, which causes Sage and the other impacted property owners harm.

We hope the City agrees that the proposed rezoning is not consistent with the General Plan and would be detrimental to all neighboring properties, and to all the Deer Valley goals associated with this development district. We respectfully request this Rezoning request and development be denied, and we thank you for your consideration.

Sincerely,



Mark Highlen, agent for Dynamite Apartments 1 LLC
Owner of Sage Luxury Apartment Homes
28425 N. Black Canyon Highway
Phoenix, AZ 85085

From: Mark Sturing MSturing@beztak.com
Subject: FW: Petition for Three Fourths Vote 06.13.19-1
Date: Jun 13, 2019 at 8:37:39 AM
To: Peggy (Peggyneely@q.com) Peggyneely@q.com
Cc: racelle.escolor@phoenix.gov, Sam Beznos
sbeznos@beztak.com, **Mark Highlen**
MHighlen@beztak.com

Peggy and Racelle: Pleased find enclosed a Petition signed by 20% of the owners in acreage and by 20% in number of lots or parcels requesting a ¾ vote by council in rezoning application #2-86-18-2. Based on the definition of Owner in the Phoenix Code, in my opinion all of the signatures and property owners reflected in the attached petition are owners within 150 feet of the applicable property or right of way. In the Phoenix Code Section 1-2 "The word "owner" applied to a building or land ,shall include any part owner, joint owner ,tenant in common , joint tenant or tenant by the entirety of the whole or a part of such building or land."

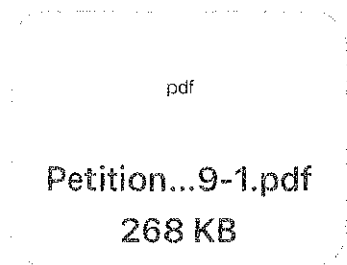
Racelle: Please advise if this email is a sufficient filing of the Petition or if you need an original or in person filing which I will then arrange for such. Mark

Mark A Sturing
General Counsel
Beztak Companies
31731 Northwestern Highway
Suite 250 W
Farmington Hills, MI 48334
Phone 248-737-6191
Fax 248-851-4744
msturing@beztak.com

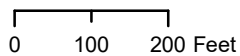
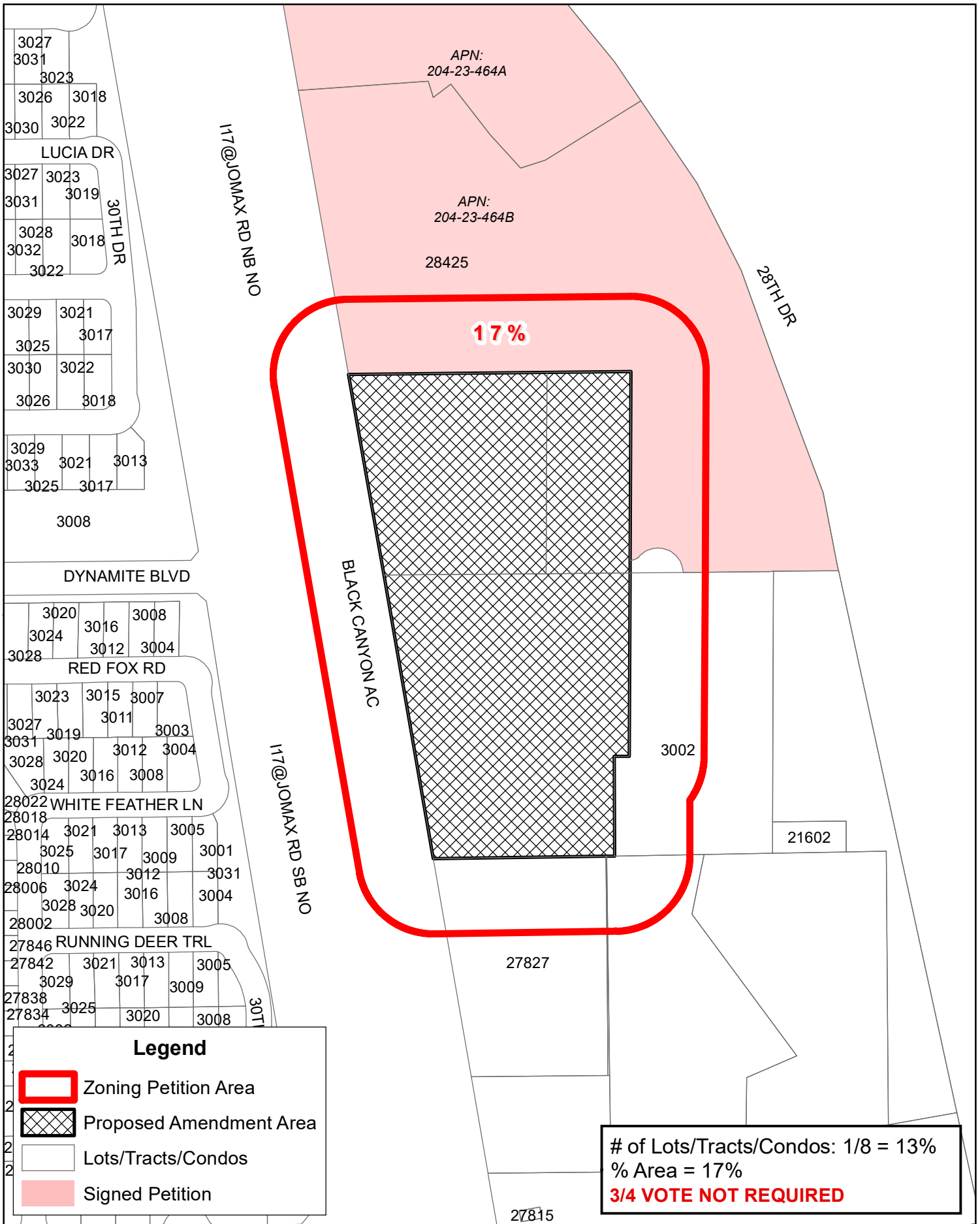
CITY OF PHOENIX

JUN 13 2019

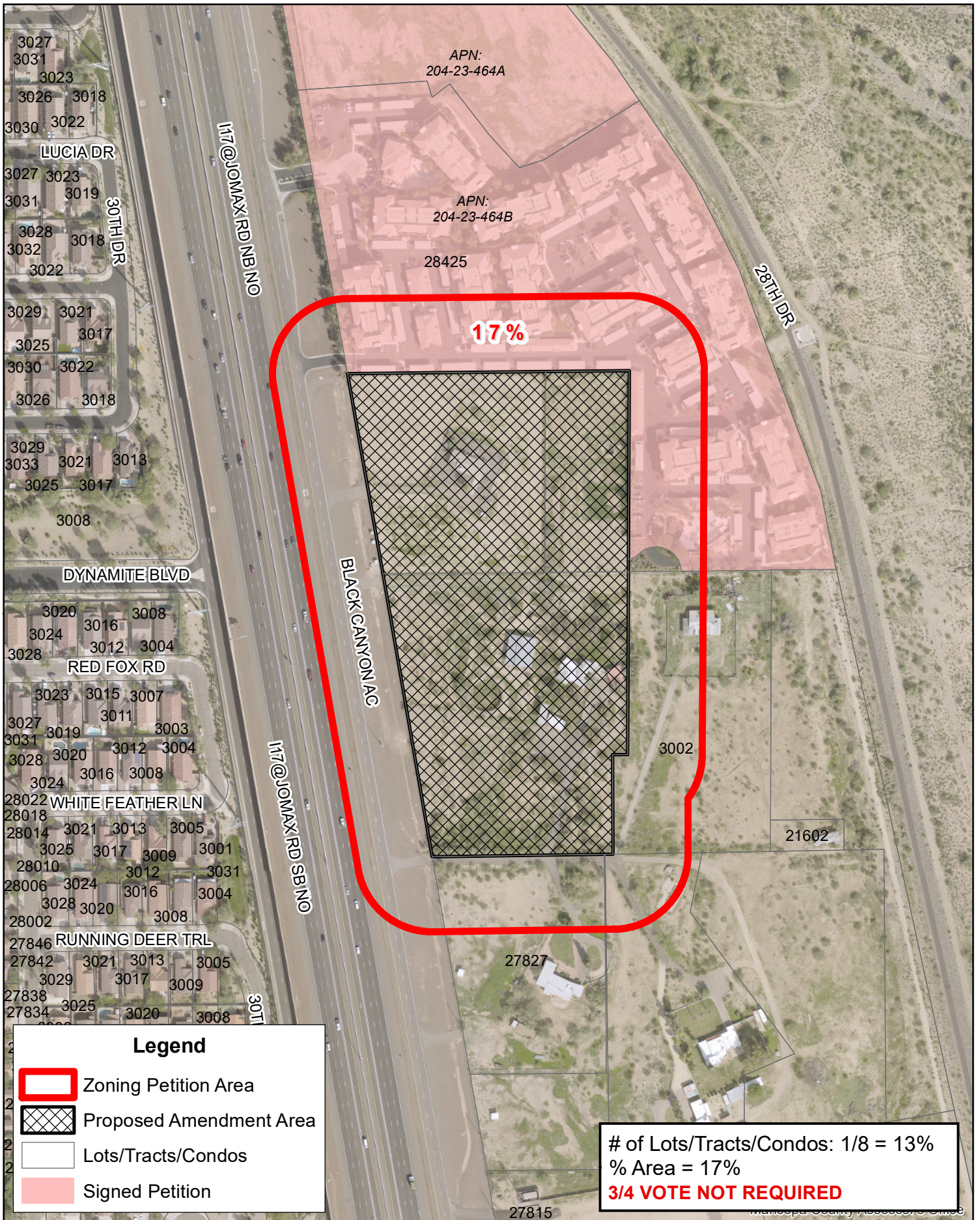
Planning & Development
Department



Samuel Beznos
Beztak Companies
31731 Northwestern Hwy. Suite 250W
Farmington Hills, MI 48334
(248) 737-6110 Office
(248) 737-6111 Fax
(248) 320-1414 Cell
www.beztak.com



**Petition Verification Map
for Z-86-18-2**

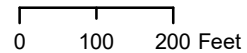


17%

Legend

-  Zoning Petition Area
-  Proposed Amendment Area
-  Lots/Tracts/Condos
-  Signed Petition

of Lots/Tracts/Condos: 1/8 = 13%
 % Area = 17%
3/4 VOTE NOT REQUIRED



Petition Verification Map
for Z-86-18-2