

Attachment D

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



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

To: Departments Concerned

Date: March 19, 2024

From: Joshua Bednarek

Planning & Development Department Director

Subject: P.H.O. APPLICATION NO. PHO-2-24--Z-62-13-7 – 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 **April 17, 2024**.
2. Information about this case is available for review at the Zoning Counter in the Planning and Development Department on the 2nd Floor of Phoenix City Hall, telephone 602-262-7131, Option 6.
3. Staff, please indicate your comments and respond electronically to pdd.pho@phoenix.gov 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 **March 26, 2024**.

DISTRIBUTION

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City Council (Stephanie Bracken), 11th Floor
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Street Transportation - Ped. Safety Coordinator (Kurt Miyamoto), 5th Floor
Street Transportation - Floodplain Management (Tina Jensen, Priscilla Motola, Rudy Rangel), 5th Floor
Water Services (Don Reynolds, Victor Romo), 8th Floor
Planning and Development (Joshua Bednarek, Tricia Gomes), 3rd Floor
Planning and Development/Information Services (Ben Ernyei, Andrew Wickhorst), 4th Floor
Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor
Planning Hearing Officer (Byron Easton, Teresa Garcia), 2nd Floor
Village Planner (Nayeli Sanchez Luna, Estrella Village)
Village Planning Committee Chair (Lisa Perez, Estrella Village)



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-2-24--Z-62-13-7

Council District: 7

Request For: Stipulation Modification

Reason for Request: 1. Request to modify Stipulation 1 regarding general conformance with the site plan and landscape plans date stamped September 20, 2017.;2. Request to modify Stipulation 2 regarding Commerce Park/General Commerce Park Development Standards along the east property line.;3. Technical Correction to Stipulation 8.

Contact Information

Name	Relationship Type	Address	Phone	Fax	Email
Michael S Buschbacher, II AICP	Applicant	3101 North Central Avenue, Suite 1000, Phoenix AZ. 85012			mbuschbacher@earlcurley.com
Phoenix Jones Partners, LLC.	Owner	5112 North 40th Street, Suite 105, Phoenix, AZ 85018			
Earl & Curley P.C. - Taylor Earl	Applicant	3101 North Central Avenue, Suite 1000, Phoenix AZ. 85012			
Michael Buschbacher,	Representative	3101 N Central Avenue, Suite 1000, Phoenix AZ 85012 United States			mbuschbacher@earlcurley.com

Property Location: Approximately 1320 feet south of the southwest corner of 59th Avenue and Lower Buckeye Road.

Acreage: 9.77

Geographic Information

Zoning Map	APN	Quarter Section
E5	104-47-003U	Q5-14
Village:		
Estrella		

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: _____

Fee Information

Fee	Fee Waived	Fee Date	Purpose
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\$1,725.00	\$0.00	02/23/24	PHO (3+ stipulations)
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**Project Narrative
59th Avenue Industrial Site
(PHO-2-24—Z-62-13-7)**



**¼ mile South of the SWC of S. 59th Avenue & W. Lower Buckeye Road
Phoenix, Arizona**

PREPARED BY



For
Harrison Properties

Submitted: February 23, 2023

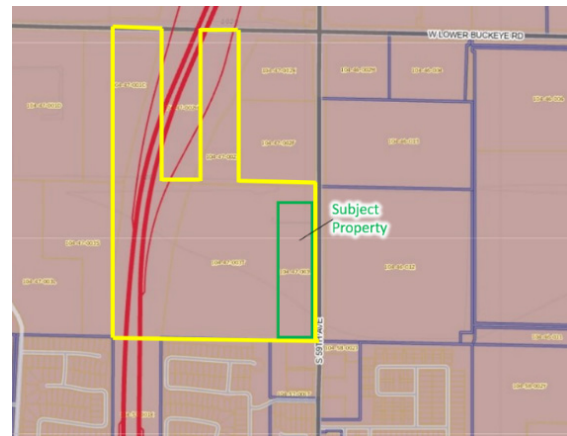
CITY OF PHOENIX

FEB 23 2024

**Planning & Development
Department**

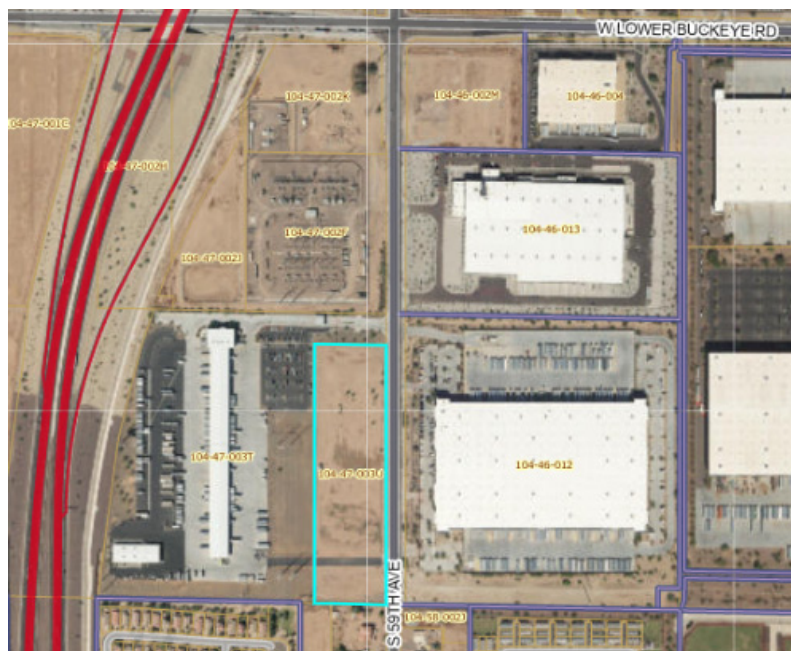
Introduction

This project consists of a challenging remnant piece of industrial property. In the parcel's original rezoning case, there were 128 acres of land. Since that time, the original area of land was divided up and developed. Only a few parcels remain from the original zoning case, including the 8.9-acre subject site.



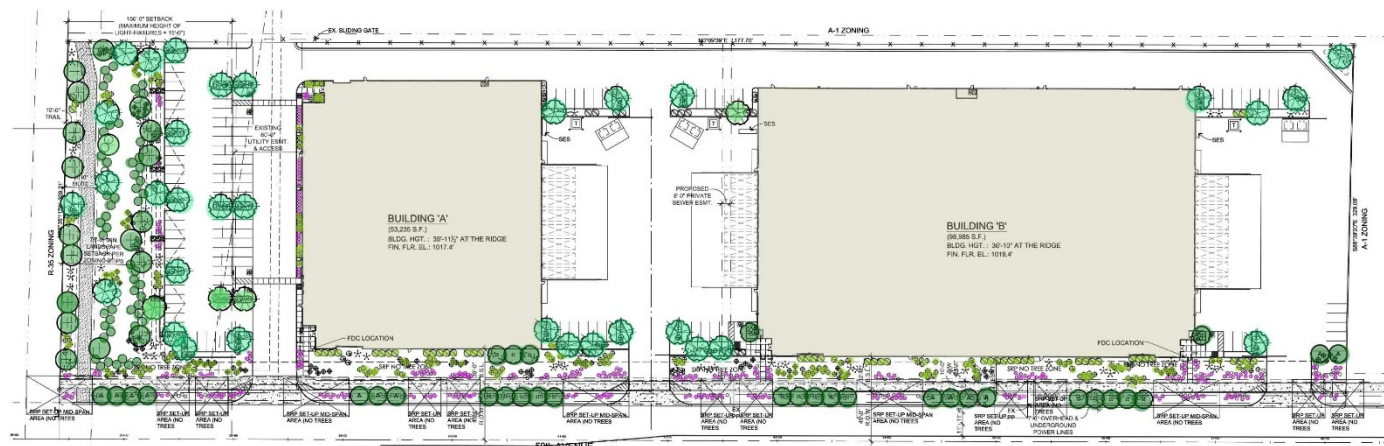
The subject site is relatively narrow in width for an industrial site, which makes development more challenging. The site is also now positioned between A-1 industrial development on the west and east and an electrical power substation to the north.

The minor stipulation modifications requested in this PHO account for the site's change in circumstances and to allow a modest industrial development.



Project Scope

The proposed project will consist of developing the site with two warehouse buildings that would combine for a total size of approximately 152,220 square feet. Because of how narrow the site is, breaking the site up into two smaller buildings is the only way a site plan could work here. The buildings would be planned for Light Industrial uses, per the site's existing A-1 zoning.



Building A is proposed to be developed as a 53,235 sq. ft. industrial building with a north/south orientation. Building B is proposed to be developed as a 98,985 sq. ft. industrial building with an east/west orientation. The proposed building heights are planned at 36' and 36'-10" ft respectively. The buildings will be tilt-up concrete construction with textured paint in neutral earth tone colors and architectural accents of form liner and glazing.

Parking areas are proposed on the outside perimeters of the buildings that meet the City's required 1/1000 sq. ft. and 1/2500 sq. ft. parking ratios. Landscape medians and end caps are proposed in the parking lot to break up the rows of parking.

Access to the parcel is proposed to be provided from 59th Avenue at the north and south end of the site along with an entry mid-block. These access drives will allow trucks and passenger vehicles to be partially separated and circulate through the site safely.

Development Standards

Development standards are proposed along the street frontage on 59th Avenue, consistent with the CP/GCP development standards, as per stipulation 3 from PHO-1-17—Z-62-13, but without the building setback requirement.

Landscape streetscape improvements are proposed along the street frontage on 59th Avenue per the CP/GCP standards in the zoning ordinance, section 626.H.2.a. The landscape planting pallet will incorporate the use of flowering desert shrubs, drought tolerant trees, and groundcovers that will provide a sense of identity and be compatible with the neighborhood and environmental

conditions of the region. The frontage landscape will be designed to blend with and complement the existing landscape edge treatment on the east side of 59th Avenue for the Amazon warehouse. The application of these development standards will complete the streetscape on 59th Avenue in a way that is compatible with existing development and provides an aesthetically pleasing corridor for this small remaining section of 59th Avenue.

The subject site is challenging because of several conditions noted above. Our team has developed a design that fits in with the surroundings, provides appropriate building setbacks and landscaping along 59th Avenue, and yet can only remain viable without the application of the stepback provision for building heights in CP/GCP development standards.

Solutions proposed in the narrative below will show how our proposal remains consistent with the primary intent of the previous PHO and rezoning case, while providing solutions to carefully modify development standards with a limited approach that takes into account the current context of the area.

Summary of Stipulation Modification Requests

Our first request is to modify stipulation 1 to simply substitute in a new site plan and landscape plan. The existing stipulation refers to a site plan and landscape plan that showed the subject site as a future phase. We are actually in conformance with these plans and do not need to request a modification. However, to provide the City with certainty of our development, we are willing to modify stipulation 1 to stipulate to our proposed site plan and landscape plan. We are doing this as an accommodation to the City.

Our second request is to modify stipulation 3 to clarify that the eastern lot line will be treated as an internal lot line under Commerce Park standards, thereby not requiring an aggressive stepback of 3' of additional setback for every 1' of additional height (starting at 18' of height at a 30' setback). All other standards of the Commerce Park/General Commerce Park, including the landscaping requirements, will be retained for that east lot line. We believe this is how the stipulation should already be interpreted. But this modification will clarify the matter.

Moreover, with a site this narrow, the aggressive stepback regime of Commerce Park is unfairly burdensome. The heights of the proposed buildings are modest for

an industrial project, at only 36' and 36'-10" ft respectively. Even still, the stepback requirement would force us to push the buildings back to such an extent that it would eliminate almost 25% from the two proposed buildings. The buildings are already so low that losing height is not a viable solution for the problem. Keeping industrial buildings under 37' is already a feat. Forcing the buildings any shorter becomes a hardship when trying to find users in a very competitive environment.

The third request is more of a technical modification to stipulation 8, which is a boilerplate stipulation requiring 55' of right of way. Due to conflicts with power lines, Mr. Al Zubi of the City's Street Transportation Department modified the City's right of way request from 55' to 45' (see attached email from Mr. Zubi). Although he did not suggest a stipulation modification be pursued, we think it would be best to clean up the zoning in that regard.

Discussion

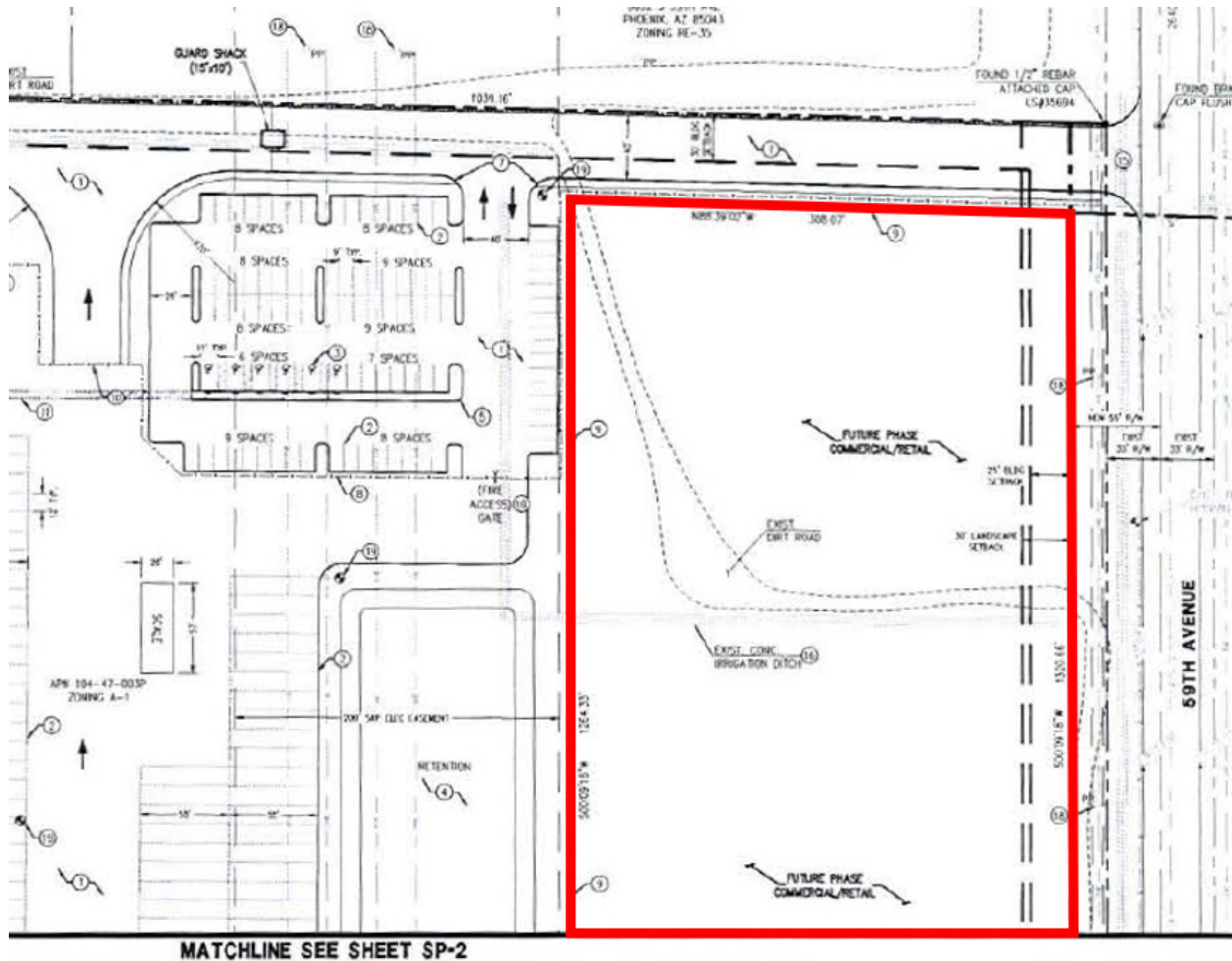
Stipulation 1 – New Site Plan and Landscape Plan

Below is our proposed amendment:

1. The development shall be in general conformance with the site plan and landscape plans date stamped ~~September 20, 2017~~ **February 23, 2024**, as approved by the Planning and Development Department.

The existing stipulation refers back to plans from September 20, 2017, which show the subject parcel as a future phase in both the site plan and the landscape plan. Thus, they are void of any detail.

Because of this lack of detail, we are actually in general conformance with both. An excerpt of the site plan is pasted below (which shows about half our site) and the full set is attached to this filing.



However, to provide reassurance to the City that what it sees in this PHO is what it will get, we are offering to update this stipulation to require general conformance to the current site plan and landscape plan.

Stipulation 3 – Elimination of Stepback Regime

Revision Language

Below is our proposed revision to Stipulation 3:

3. Commerce Park/General Commerce Park Development Standards shall be provided along the east property line, **with the east property line being**

deemed an “interior lot line on a street,” as approved by the Planning and Development Department.

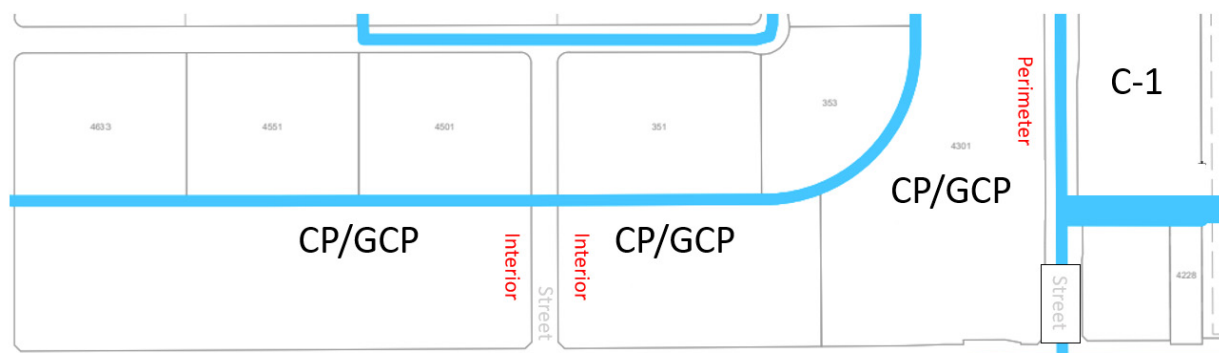
Below we will explain why we have phrased the revision as suggested above.

Internal vs Perimeter Lot Line

Under Commerce Park/General Commerce Park, there are two different sets of standards for lot lines on a street:

- Interior lot line on a street
- Perimeter lot line on a street

An interior lot line on a street exists when there is Commerce Park zoning on both sides of the street. A perimeter lot line on a street exists when the subject site is zoned Commerce Park but some other zoning exists across the street. For illustrative purposes, consider the map below. On the left side of the map, there exists Commerce Park zoning on both sides of the street. Therefore, those lot lines are “interior lot lines on a street.” But on the right side of the map, there is Commerce Park zoning on the west side of the street and C-1 zoning on the east side, which makes that a “perimeter lot line on a street.”



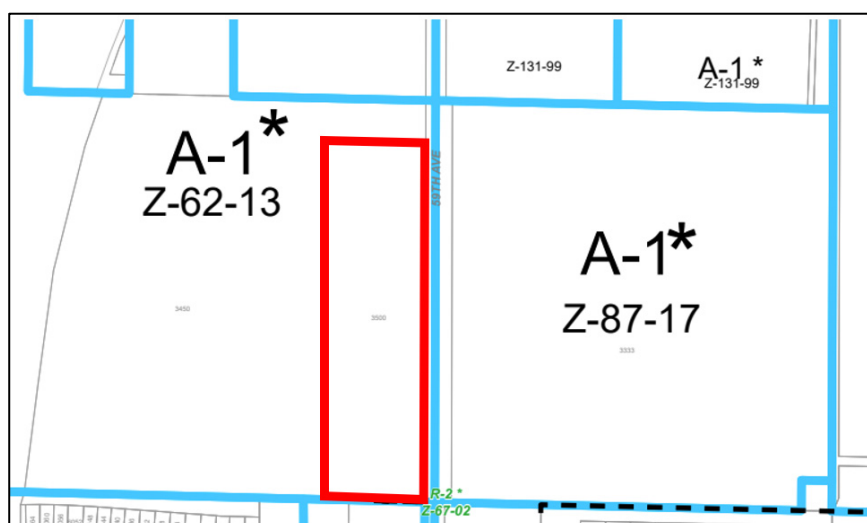
In short, when the zoning on both sides of the street matches, it's “Interior” because it is *not* the edge of the zoning district. When the zoning doesn't match on both sides, it's “perimeter” because it's the edge of the zoning district.

When a perimeter lot line exists, Commerce Park requires any buildings next to that lot line to incorporate an aggressive “stepback” regime—which requires the building height to be limited to 18' at a 30' setback and then for an additional 3' of setback to be added for each additional 1' of height. This is

appropriate when Commerce Park is up against less intense zoning districts because it helps ease the transition.

Here, the stipulation requires the subject site (zoned A-1) to apply Commerce Park standards to the eastern lot line. But the question is which set of standards should apply to that lot line? Is the eastern lot line to be treated as an interior lot line or a perimeter lot line? If we are truly to follow Commerce Park standards, there must be some situations that would trigger internal lot line standards and other situations that would trigger perimeter lot line standards. Which situation do we have in our case?

Below is the current zoning map of the subject site. Our site is zoned A-1 and the site to the east is zoned A-1. In other words, the zoning on both sides matches. It is *not* the edge of the zoning district.



Since this stipulation applies to an A-1 site, by definition we will *never* have a situation of having Commerce Park on both sides of the street. So, we aren't looking for that condition to exist. But what we do have is matching zoning on both sides of the street, which is when an "interior lot line" condition exists. Thus, we believe the fairest interpretation of this stipulation to our situation is that we are already permitted to apply standards for an interior lot line on a street.

Accordingly, this PHO can be understood as a clarification of the stipulation, rather than a deviation. We are merely making clear something that is unclear—that the eastern lot line should be treated as an interior lot line.

But even if someone were to reach a different conclusion about how the stipulation should be interpreted today, we believe that the modification we are requesting is a fair and sensible solution. Thus, one could view our request as either clarifying how the stipulation should be interpreted or as a sensible modification to an existing stipulation.

It is key to note that as an internal lot line, we would still have to meet Commerce Park's setback and landscape standards. Our request would simply mean the site would not be required to apply an aggressive stepback regime on an A-1 site that has A-1 across the street. As for setback, it is true that internal lot lines on a street only require a 20' setback. But our change to stipulation 1 would require general conformance to our current site plan, which shows a 32' and a 38' setback. So, the City is covered in that regard. .

The whole reason for increased setbacks when adjacent to different zoning is to provide an accommodation to that different zoning and to act as a transition between a less intense district (like C-1) to a more intense district. Here, where we have A-1 on both sides of the street, it makes more sense to consider this an interior condition anyway. Thus, even if the current stipulation must be read to impose the stepback, our PHO request is appropriate because this context isn't where this type of stepback is needed.

Moreover, this site is so narrow that an aggressive stepback regime would make development very difficult. Even with our proposed buildings that are only 36'-37' tall (which is mild for industrial development), abiding by the aggressive stepback would still require us to lose +/- 25% of our buildings. This is unfairly burdensome. This PHO request is a fair and sensible modification to allow reasonable industrial development to occur on a property that couldn't realistically be developed for anything else given its location.

When this stipulation was created in 2017, we suspect the hearing officer did not intentionally mean to impose this type of stepback regime. At the time, the existing stipulation required a 75' setback. At the PHO hearing, the applicant asked the hearing officer if she would reconsider requiring 75' because it would make the remaining parcel (i.e. the subject parcel of *the current PHO*) difficult to develop. Ms. Gomes was willing to take that particular matter under advisement. When she issued her ruling, she did modify the standard and only required Commerce Park standards to be applied rather than a hard 75' setback requirement.

But consider what happens when we apply the stepback regime. If we are required to incorporate the Commerce Park stepback, our 36' 10" building (rounding to 37') would be required to be setback 87'. The math is as follows:

The stepback requires a max height of 18' within a 30' setback. Each additional 1' of height requires an additional 3' of setback. Therefore, to add 19' of height to get to 37' total, we would be required to add 57' of setback to the starting 30', for a total of 87'.

The hearing officer was trying to lessen the burden of a 75' setback, not increase it. Thus, we believe the hearing officer either did not intend the stepback regime of Commerce Park to apply here or, even if she did, she did not fully contemplate the negative impact it would have on normal industrial buildings. If we felt like a 37'-tall industrial building was excessive, we might feel differently. But in today's market, a 37'-tall industrial building is very mild. The average height of buildings in the area ranges from approximately 42' to 56'.

It is possible the hearing officer was thinking about the possibility of a retail building, as that possibility was discussed in the record. But retail would fail miserably at this location. Given the circulation patterns created by Loop 202, the passerby traffic to the site would never support retail. Anybody traveling north/south for any distance is going to use the freeway, not 59th Avenue. Until the freeway opened in December 2019, well after the stipulation was added, this pattern may have been hard to see, even for the property owner. But now that it is here, there is zero viability of retail here. This too is a changed circumstance for this site that justifies the PHO request.

If this site was actually zoned Commerce Park, we would pursue a variance for setback relief. We would point to the narrow shape of the lot and how it unfairly burdens development to step the building back so much. We would point to the A-1 condition on the east side of the street and note how allowing us to not incorporate a stepback regime would not have any negative impact on that property to the east. And we would point to the change in circumstances caused by the freeway. We believe that type of variance would be granted. Indeed, our firm processed a similar variance recently, and it was approved. But because the standard comes from a stipulation, variance relief is not possible. The only solution is PHO relief. Thus, we implore the City to grant this reasonable PHO.

In the end, we believe the requested modification/clarification is minor. Whereas 59th Avenue once served as the north/south corridor for this area, that is no longer the case. The freeway serves that purpose. The east/west arterials still serve that function, but this parcel doesn't abut Lower Buckeye Rd. or Broadway Rd. It only abuts 59th Avenue. 59th Avenue is now positioned more as an internal roadway to an industrial park than it is a regional arterial.

To be clear, we will still be meeting the rest of the Commerce Park standards, and so the streetscape will be appropriate for this area. But imposing an aggressive stepback regime is overly burdensome for this narrow parcel and doesn't serve a compelling public interest.

Stipulation 8 – Reduction of ROW

Our requested modification to Stipulation 8 is shown below:

8. Right-of-way totaling ~~55~~ **45** feet shall be dedicated for the west half of 59th Avenue. Provide curb, gutter, paving, sidewalk, curb ramps, streetlights, landscaping and incidentals for the length of the project.

Due to a conflict with large power poles on 59th Avenue, the Street Transportation Department has modified its right-of-way request from 55' to 45'. See the email from Al Zubi that is attached to this application.

The proposed modification of Stipulation 8 simply brings the zoning in line with that modification.

Conclusion

The modifications requested in this PHO are reasonable. The requested modification to Stipulation 1 is being given as an accommodation to the City. And the requested modification to Stipulation 8 is more technical in nature.

The core of our request is the modification to Stipulation 3. We believe a fair interpretation of that stipulation would allow for the relief being sought. However, even if the stipulation must be read as requiring the stepback, the change we are requesting is reasonable under the circumstances. With a site this narrow, that type of aggressive stepback unfairly burdens the site. And with A-1 development to the east and with 59th Avenue now being positioned more

like an internal industrial roadway than a regional arterial, the modification we are asking for is fair and reasonable. We do not see a compelling reason to require this site to impose such a difficult setback.

We urge the City to grant the requested relief.



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

March 9, 2018

Teresa Harvey
190 Laguna Drive East
Litchfield Park, Arizona 85340

Dear Applicant:

RE: PHO-1-17--Z-62-13-7 – Approximately 1320 feet south of the southwest corner of 59th Avenue and Lower Buckeye Road

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 601 of the Zoning Ordinance, as amended, has on February 21, 2018, approved Zoning Ordinance # G-6419.

Development and use of the site is subject to compliance with all applicable codes and ordinances.

Sincerely,

Teresa Hillner
Planner III

Attachment: Signed Ordinance

c: Newport Groups 22 ,LLC, 3710 Buckeye Street, #100, Palm Beach Garden, FL 33410
Red River 647 Holdings, LLC dba 59LBR, PO Box 1397, Tolleson, AZ 85353
Jazmine Braswell, PDD–Planning (Electronically)
Joshua Bednarek, PDD–Development (Electronically)
Greg Gonzales, NSD (Electronically)
Penny Parrella, City Council (Electronically)
Book
Case File

ORDINANCE G-6419

AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE
TO REZONING APPLICATION Z-62-13-7 PREVIOUSLY
APPROVED BY ORDINANCE G-5930.

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

SECTION 1. The zoning stipulations applicable located approximately 1320
feet south of the southwest corner of 59th Avenue and Lower Buckeye Road in a portion
of Section 19, Township 1 North, Range 2 East, as described more specifically in
Attachment "A," are hereby modified to read as set forth below.

STIPULATIONS:

- Mod 1. The development shall be in general conformance with the site plan and
landscape plans date stamped ~~February 27, 2014~~, SEPTEMBER 20, 2017 as
approved by the Planning and Development Department.
2. A minimum 75-foot landscape setback shall be provided along the ~~west and~~
south property lines and shall utilize the Commerce Park/General Commerce
Park landscape standards for plant types, quantity and spacing, as approved by
the Planning and Development Department.
- Mod 3. COMMERCE PARK/GENERAL COMMERCE PARK DEVELOPMENT
STANDARDS A ~~minimum 75-foot building setback~~ shall be provided along the
~~west and east~~ property lines, as approved by the Planning and Development
Department.

4. A minimum 125-foot building setback shall be provided along the south property line, as approved by the Planning and Development Department.
- ~~5. An eight-foot high decorative wall shall be constructed and set back a minimum of 75 feet from the west property line, as approved by the Planning and Development Department.~~
- ~~6. The perimeter walls adjacent to Lower Buckeye Road and 63rd Avenue shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile, glass insets, or stamped designs, as approved by the Planning and Development Department.~~
57. Building height shall be limited to a maximum of 48 feet within 150 feet of the south property line, as approved by the Planning and Development Department.
68. Outdoor storage shall not be permitted within 250 feet of the north, south and west property lines, EXCEPT FOR THE TRAILER STORAGE SHALL NOT BE LOCATED CLOSER THAN 200 FEET, as approved by the Planning and Development Department.
- ~~9. A one-foot non-vehicular access easement shall be provided along the west property line, as approved by the Planning and Development Department.~~
- ~~10. Right-of-way totaling 55 feet shall be dedicated for the south half of Lower Buckeye Road. Provide full improvements consisting of curb, gutter, sidewalk, curb ramps, streetlights, landscaping and incidentals for the length of the project.~~
711. Submit amended Traffic Impact Study Analysis updated to proposed development use. Additional improvements may be stipulated based upon study findings.
- Mod 812. Right-of-way totaling 55 feet shall be dedicated for the west half of 59th Avenue. Provide curb, gutter, paving, sidewalk, curb ramps, streetlights, landscaping and incidentals for the length of the project.
- ~~13. Right-of-way totaling 50 feet shall be dedicated for the existing 63rd Avenue Alignment with a minimum 25-foot pavement section to service Williams Street. Provide curb, gutter, sidewalk, paving and incidentals for the length of the project.~~
- ~~14. Right-of-way totaling 60 feet shall be dedicated for the proposed 63rd Avenue from Florence Avenue to Lower Buckeye Road. Provide curb, gutter, paving, sidewalk, curb ramps, streetlights, landscaping and incidentals for the length of the project.~~

15. ~~Right-of way 30 feet shall be dedicated for the east half of 63rd Avenue. Provide curb, gutter, paving, sidewalk, curb ramps, streetlights, landscaping and incidentals for the length of the project.~~
16. ~~Contact Bruce Littleton (602-262-4690) for potential conduit and junction boxes at Lower Buckeye Road and 63rd Avenue for future signal equipment for the intersection. Submittal will be made as a separate document that shows the entire intersections with existing conduit runs and junction boxes. The Developer will submit the approved plan to the Civil Plans Coordinator as part of the civil engineering plan set. All work related to the construction or reconstruction of the signal, conduit runs and junction box installation is the responsibility of the Developer.~~
917. The developer shall update all existing off-site street improvements (sidewalks, curb ramps and driveways) to current ADA guidelines.
1018. Complete a Red Border Letter to notify ADOT of development adjacent to its freeway corridor and submit it to Alan Hilty in the Street Transportation Department 602-262-6193, with a copy to the Traffic Engineer and Civil Plans Reviewer.
1119. Provide underground street light circuits, poles and fixtures on all public streets in locations approved by the Street Transportation Department. Submit one copy of the approved site plan with three copies of the streetlight plans to the 2nd floor of City Hall to be routed to Street Lighting Section reviewer, Diane Gomez 602-262-7223.
1220. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, setback sidewalk, curb ramps, streetlights, landscape and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
13. IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND DISTURBING ACTIVITIES WITHIN A 33-FOOT RADIUS OF THE DISCOVERY, NOTIFY THE CITY ARCHAEOLOGIST, AND ALLOW TIME FOR THE ARCHAEOLOGY OFFICE TO PROPERLY ASSESS THE MATERIALS.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-5930, this portion of the rezoning is now subject to the stipulations approved pursuant to Ordinance G-5930 and as modified in Section 1 of this ordinance. Any violation of the stipulation is a violation of the City of

Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

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 21st day of February, 2018.



MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

Acting City Attorney pm

REVIEWED BY:

City Manager

PL:tml:LF18-0248:02/21/18:2019736v1

Exhibits:

- A - Legal Description (2 Pages)
- B - Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR PHO-1-17-- Z-62-13-7

A-1 Zoning

A portion of the Northeast quarter of Section 19, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona more particularly described as follows:

Commencing at the North quarter corner of said Section 19;

Thence South 88 degrees 49 minutes 28 seconds East a distance of 967.82 feet to the **Point of Beginning**;

Thence continuing South 88 degrees 49 minutes 28 seconds East a distance of 378.98 feet to the Northeast corner of said Northwest quarter of the Northeast quarter of Section 19;

Thence South 00 degrees 13 minutes 47 seconds West a distance of 1319.20 feet to the Southeast corner of said Northwest quarter of the Northeast quarter of Section 19;

Thence South 88 degrees 46 minutes 48 seconds East a distance of 337.98 feet;

Thence North 00 degrees 10 minutes 28 seconds East a distance of 1319.49 feet to a point on the North line of said Northeast quarter of Section 19;

Thence along said North line, South 88 degrees 49 minutes 28 seconds East a distance of 336.70 feet;

Thence South 00 degrees 07 minutes 08 seconds West a distance of 1319.77 feet to a point on the South line of the Northeast quarter of said Northeast quarter of Section 19;

Thence South 88 degrees 46 minutes 48 seconds East a distance of 675.96 feet to the Southeast corner of said Northeast quarter of the Northeast quarter of Section 19;

Thence South 00 degrees 00 minutes 30 seconds West a distance of 1320.35 feet to the East quarter corner of said Section 19;

Thence along the South line of said Northeast quarter of Section 19, North 88 degrees 44 minutes 09 seconds West a distance of 1736.03 feet;

Thence North 00 degrees 13 minutes 47 seconds East a distance of 2637.82 feet to the **Point of Beginning**.

Note: The above described parcel contains 3,232,013 square feet or 74.1968 acres, more or less.

GCP Zoning

Thence North 40 degrees 35 minutes 05 seconds East a distance of 154.76 feet to the beginning of a tangent curve whose center bears North 49 degrees 24 minutes 55 seconds West a distance of 500.00 feet; A portion of the Northeast quarter of Section 19, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona more particularly described as follows:

Commencing at the North quarter corner of said Section 19;

Thence South 88 degrees 49 minutes 28 seconds East a distance of 336.70 feet to the **Point of Beginning**;

Thence continuing South 88 degrees 49 minutes 28 seconds East a distance of 631.12 feet;

Thence South 00 degrees 13 minutes 47 seconds West a distance of 2637.82 feet to a point on the South line of said Northeast quarter of Section 19;

Thence along the South line of said Northeast quarter of Section 19, North 88 degrees 44 minutes 09 seconds West a distance of 793.89 feet to a point on the East line of that certain Quit Claim Deed as recorded in Document No. 2002-0425032, records of Maricopa County, said point also being a point on the arc of a non-tangent curve whose center bears North 88 degrees 44 minutes 51 seconds West a distance of 362.66 feet;

Thence Northwesterly along the arc of said curve through a central angle of 35 degrees 40 minutes 01 seconds and an arc length of 225.76 feet;

Thence North 34 degrees 24 minutes 52 seconds West a distance of 114.21 feet to the beginning of a tangent curve whose center bears North 55 degrees 35 minutes 08 seconds East a distance of 299.66 feet;

Thence Northwesterly along the arc of said curve through a central angle of 34 degrees 51 minutes 57 seconds and an arc length of 182.35 feet to a point on the West line of said Northeast quarter of Section 19;

Thence along said West line, North 00 degrees 27 minutes 05 seconds East a distance of 1281.31 feet to the beginning of a tangent curve whose center bears South 89 degrees 32 minutes 55 seconds East a distance of 500.00 feet;

Thence Northeasterly along the arc of said curve through a central angle of 40 degrees 08 minutes 00 seconds and an arc length of 350.23 feet;

Thence Northeasterly along the arc of said curve through a central angle of 39 degrees 24 minutes 33 seconds and an arc length of 343.91 feet;

Thence North 01 degrees 10 minutes 32 seconds East a distance of 119.24 feet to the **Point of Beginning**.

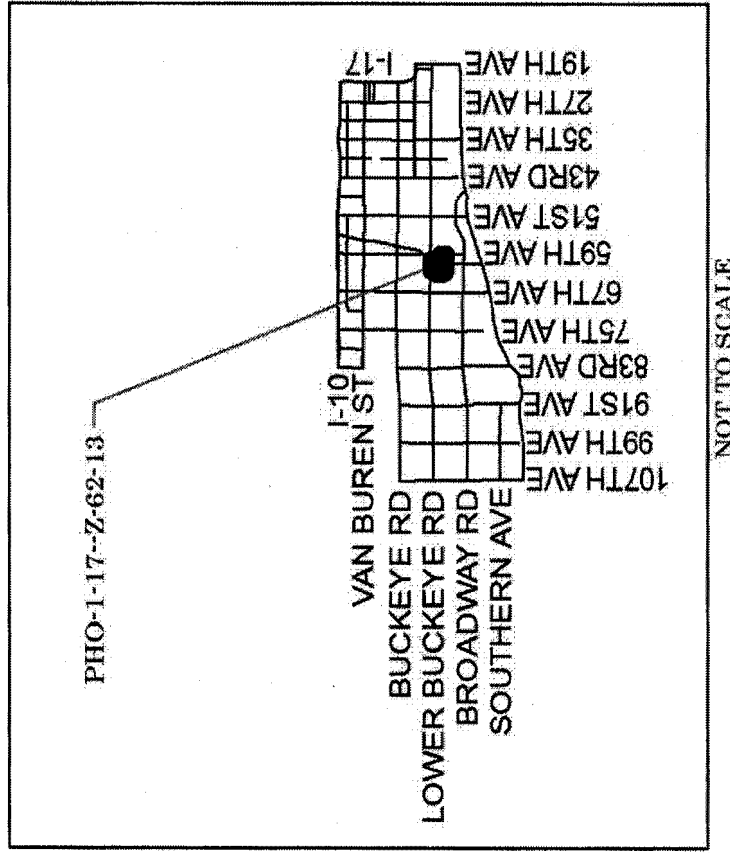
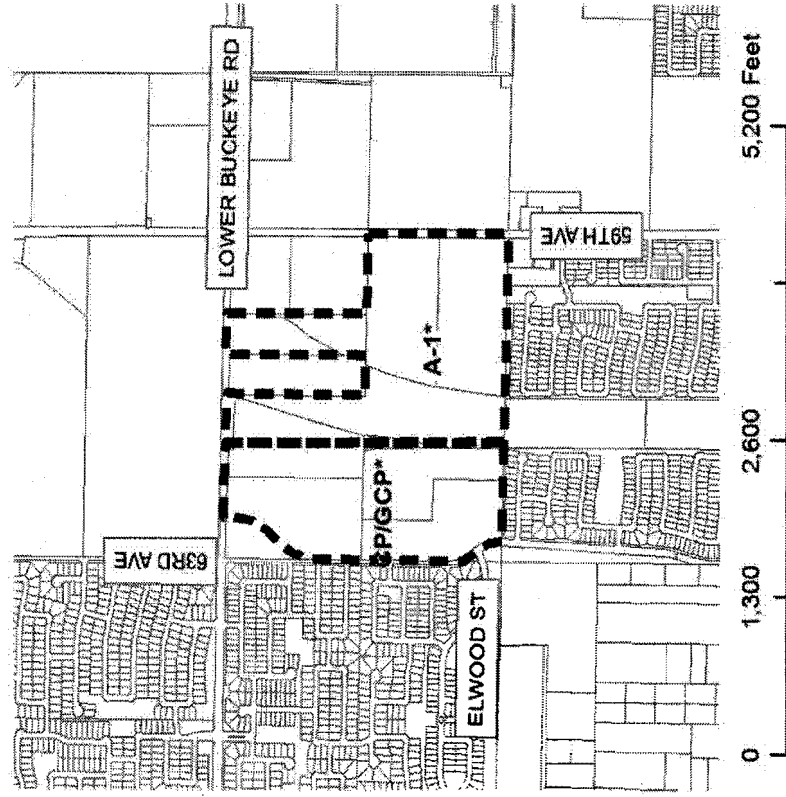
Note: The above described parcel contains 2,353,191 square feet or 54.0218 acres, more or less.

EXHIBIT B

ORDINANCE LOCATION MAP

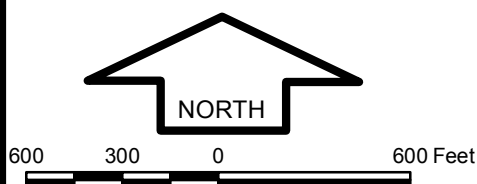
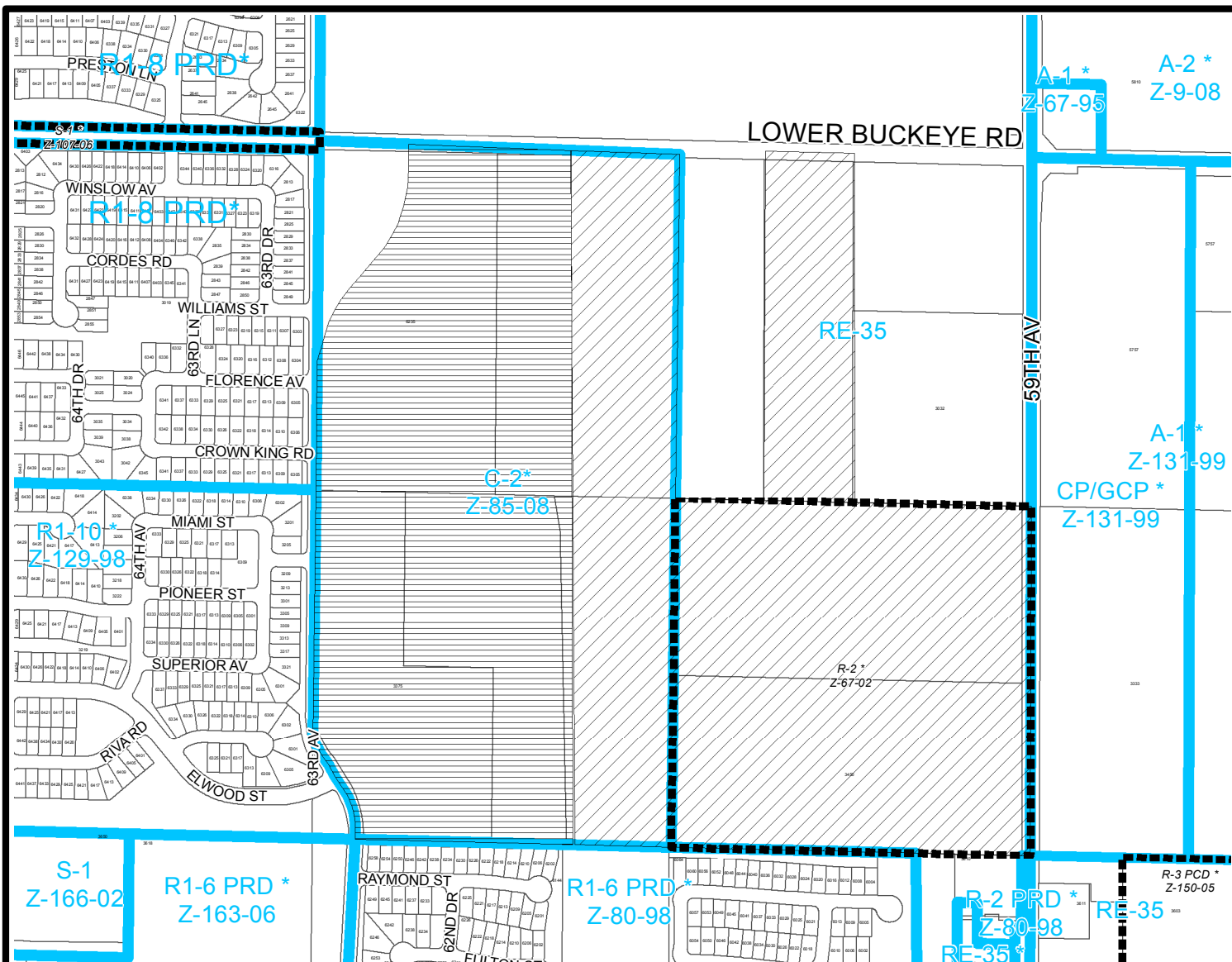
Zoning Case Number: PHO-1-17--Z-62-13
 Zoning Overlay: N/A
 Planning Village: Estrella

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



Drawn Date: 1/23/2018

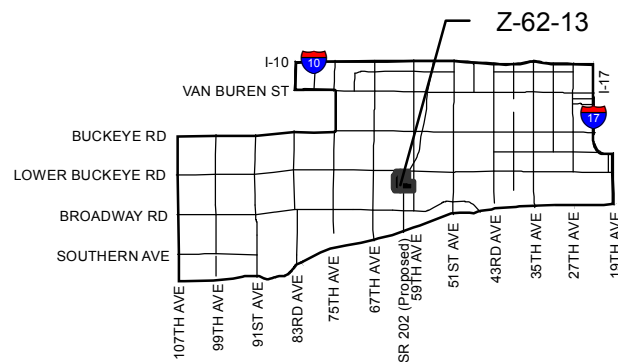
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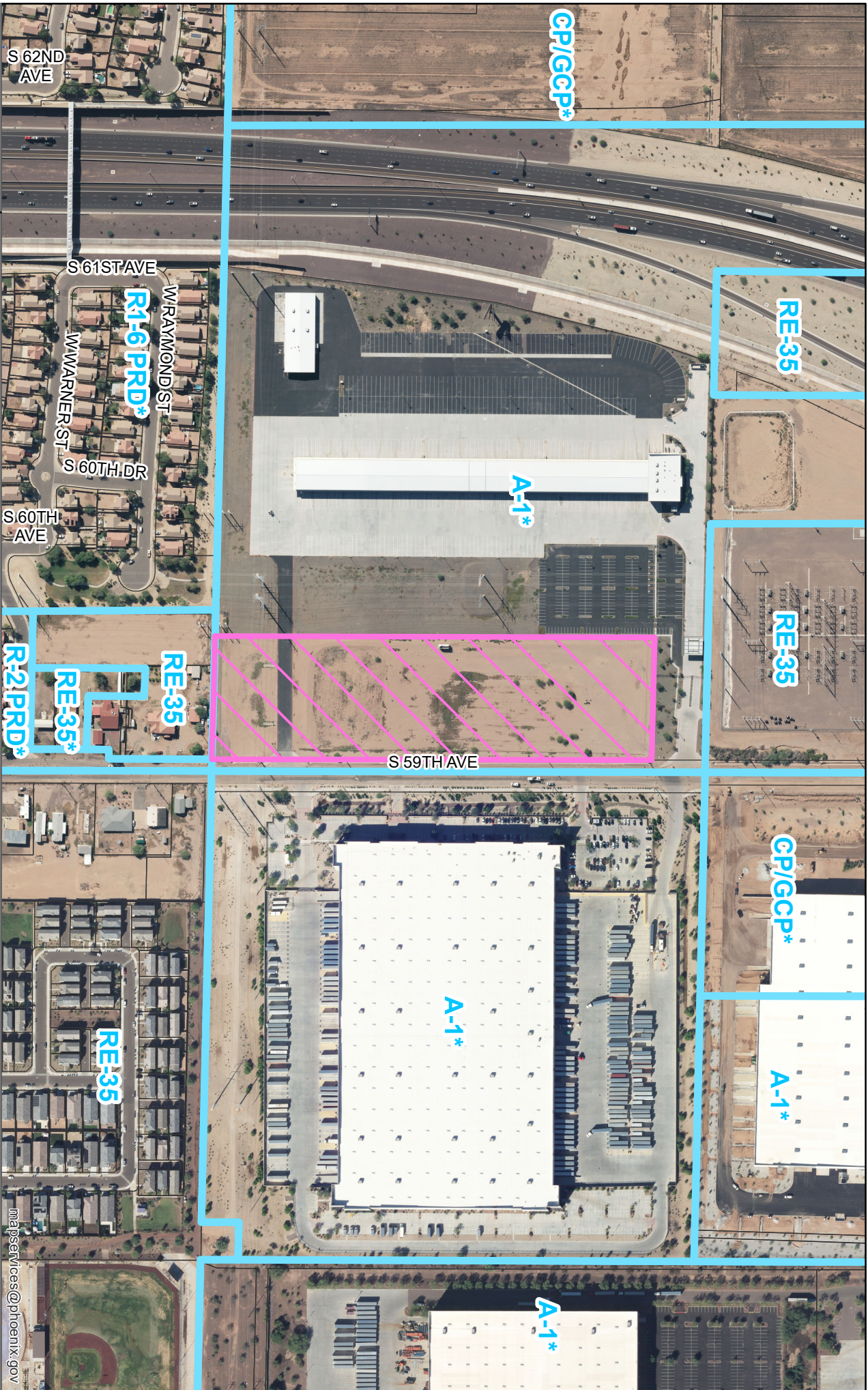
CITY OF PHOENIX PLANNING DEPARTMENT

ESTRELLA VILLAGE

CITY COUNCIL DISTRICT: 7

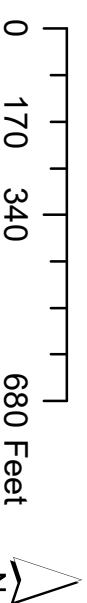


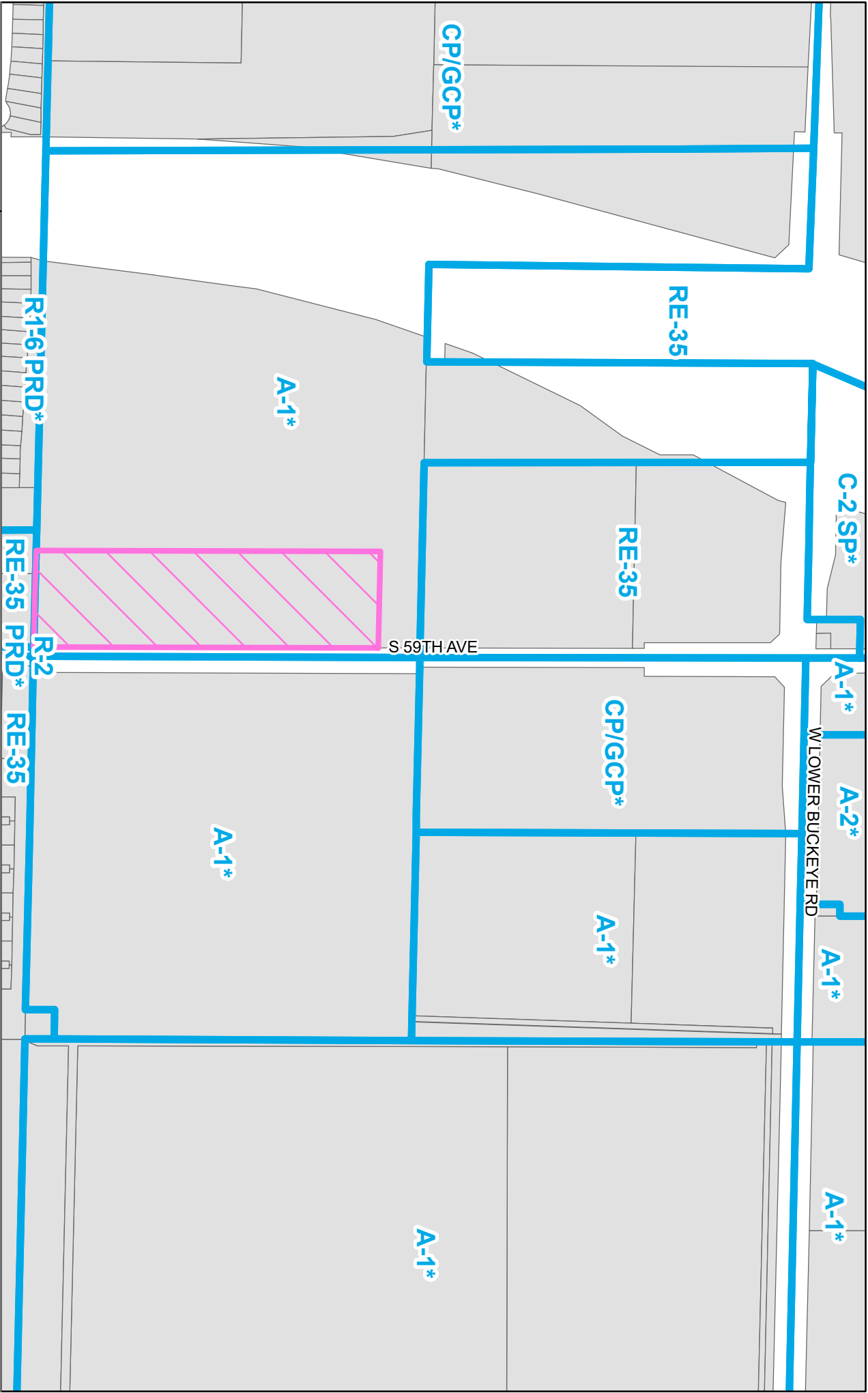
APPLICANT'S NAME: Michael J. Curley		REQUESTED CHANGE: FROM: C-2, (77.15 a.c.) RE-35, (10.23 a.c.) RE-35 (Approved R-2), (40.84 a.c.) TO: A-1, (74.52 a.c.) CP/GCP, (53.70 a.c.)	
APPLICATION NO. Z-62-13	DATE: 1/27/14 REVISION DATES: 2/28/14	GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 128.22 Acres	
MULTIPLES PERMITTED C-2, RE-35, RE-35 (R-2) A-1, CP/GCP		CONVENTIONAL OPTION 1118, 11, 45 (408) N/A, N/A	
* UNITS P.R.D. OPTION 1342, 13, 54 (490) N/A, N/A		* Maximum Units Allowed with P.R.D. Bonus	



PHO-2-24--Z-62-13-7

Property Location: Approximately 1320 feet south of the southwest corner of 59th Avenue and Lower Buckeye Road.



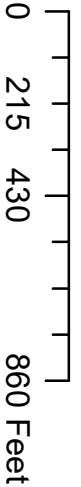


PHO-2-24--Z-62-13-7

Property Location: Approximately 1320 feet south of the southwest corner of 59th Avenue and Lower Buckeye Road.



Planning & Development Department



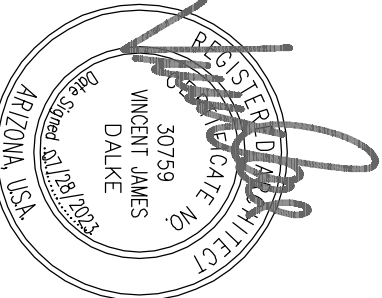


2039 E RICE DR., TEMPE
AZ, 85283
480-589-3793
VINCE@DALKEDESIGNGROUP.COM

PROJECT FOR HARRISON PROPERTIES:
59th AVE. & LOWER BUCKEYE ROAD
PHOENIX AZ 85043

NUMBER	REVISION	DATE
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SEAL



SHEET TITLE
PHO ZONING EXHIBIT

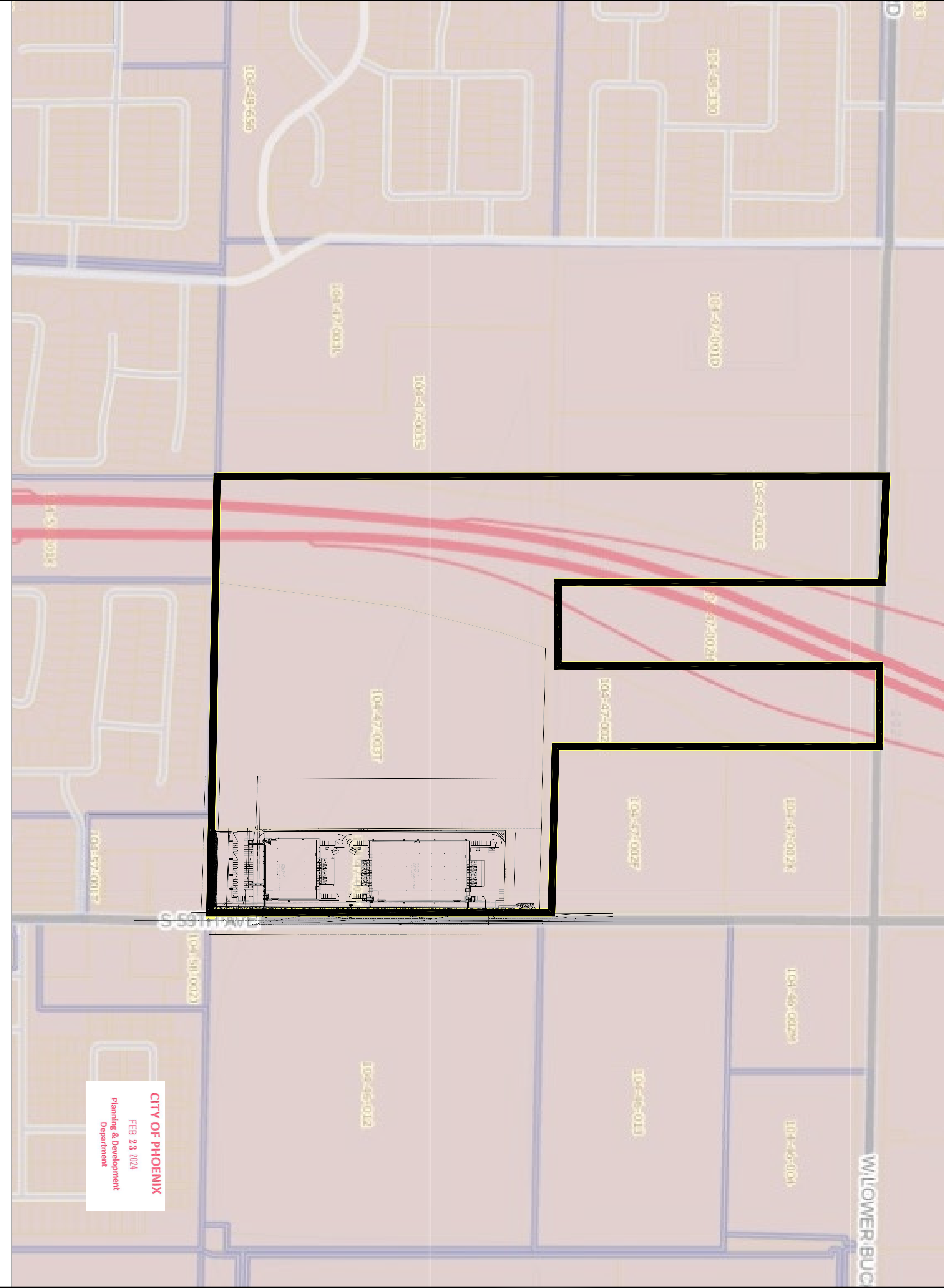
ISSUE DATE	4.27.2023
DRAWN	
CHECKED BY	
PROJECT NUMBER	-
DRAWING NO.	

EXH1

REV

1/23/2019 9:42 AM

D:\0001\59th_buckeye\Submittals\2023-11-13 PHO\A0.1 SITE PLAN -- PHO exhibit.dwg



CITY OF PHOENIX
FEB 23 2024
Planning & Development
Department

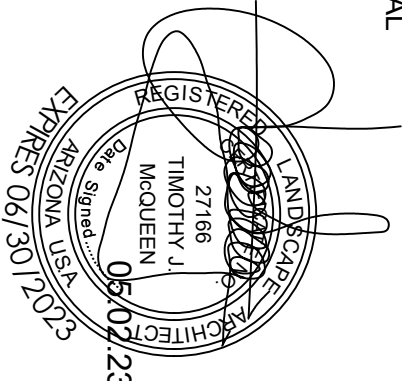
PROJECT FOR HARRISON PROPERTIES:

59th AVE. & LOWER BUCKEYE ROAD

PHOENIX AZ 85043

NUMBER REVISION DATE

SEAL



SHEET TITLE

ISSUE DATE 4.27.2023

DRAWN

CHECKED BY

PROJECT NUMBER

DRAWING NO.

La.02

REV



T. J. McQUEEN & ASSOCIATES, INC.

LANDSCAPE ARCHITECTURE

URBAN DESIGN

SITE PLANNING

10450 N. 74th Street, Suite 120

Scottsdale, Arizona 85258

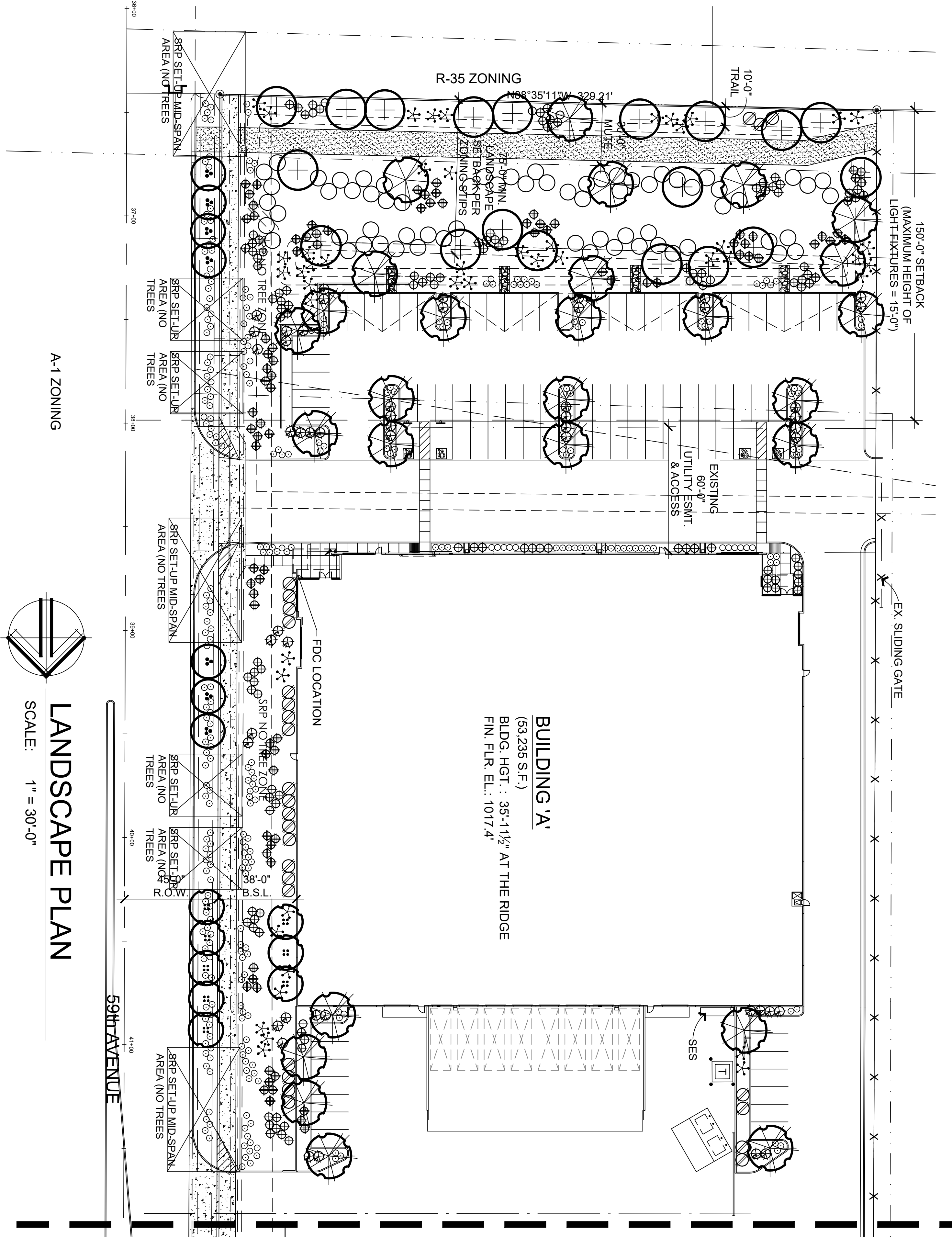
P. (602) 265-0320

EMAIL: tjmquween@tjma.net

LANDSCAPE LEGEND

- CERCIDIUUM 'HYBRID'
-DESERT MUSEUM PALO VERDE
2" CALIP., 6.5T, 4.5W
- ACACIA SALICINA
WILLOW ACACIA
1" CALIP., 6T, 3.5W
- ACACIA ANEURA
MULGA (SRP/APS APPROVED)
2" CALIP., 5.5T, 4W
- CAESALPINIA CACALACO
CASCALOTE (SRP / APS APPROVED)
2" CALIP. (MULTI) 5T, 3.5W
- EXISTING TREE
PROTECT FROM
CONSTRUCTION
- CAESALPINIA MEXICANA
MEXICAN BIRD OF PARADISE
5 GALLON
- TECOMA 'ORANGE JUBILEE'
ORANGE JUBILEE
5 GALLON
- HERPERALOE PARVIFLORA
RED YUCCA
5 GALLON
- DASYLIRION WHEELERII
DESERT SPOON
5 GALLON
- LEUCOPHYLLUM FRUTESCENS
'GREEN CLOUD'
5 GALLON
- ACACIA REDOLENS
'DESERT CARPET' 1m
5 GALLON
- LANTANA MONTEVIDENSIS
'GOLD MOUND'
1 GALLON
- LANTANA MONTEVIDENSIS
TRAILING PURPLE
1 GALLON
- 1/2" MINUS MADISON GOLD
DECOMPOSED GRANITE
2" DEPTH IN ALL LANDSCAPE AREAS

MATCH LINE SEE SHEET La.03



LANDSCAPE PLAN

SCALE: 1" = 30'-0"

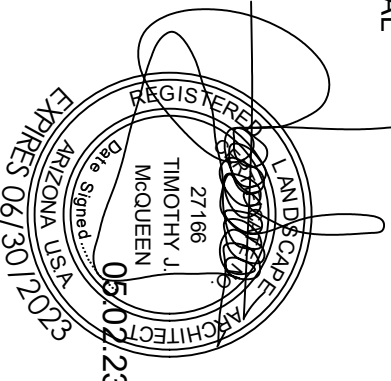
CITY OF PHOENIX

FEB 23 2024

Planning & Development
Department

NUMBER	REVISION	DATE
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SEAL



SHEET TITLE

ISSUE DATE	4.27.2023
DRAWN	
CHECKED BY	
PROJECT NUMBER	
DRAWING NO.	

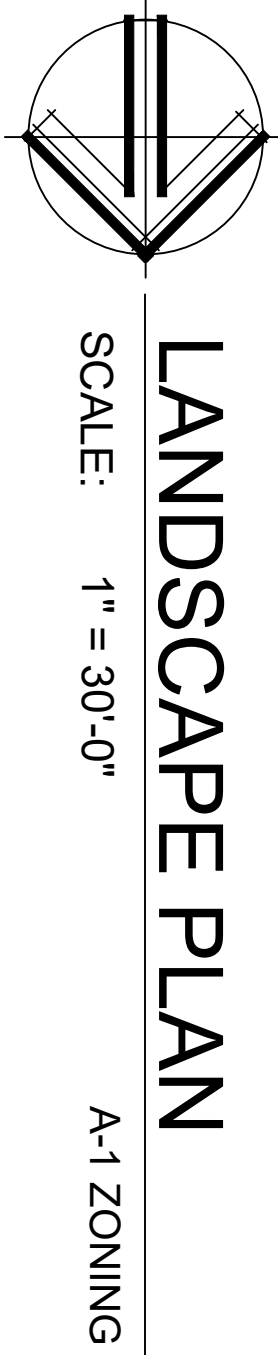
L.a.03

REV

Hearing Date: April 17, 2024

LANDSCAPE LEGEND

- CERCIDIMUM 'HYBRID'
-DESERT MUSEUM PALO VERDE
2" CALIP., 6.5T, 4.5W
- ACACIA SALICINA
WILLOW ACACIA
1" CALIP, 6T, 3.5W
- ACACIA ANEURA
MUIGUA (SRP/RS APPROVED)
2" CALIP., 5.5T, 4W
- CAESALPINIA CACALACO
CASALOTE (SRP / APS APPROVED)
2" CALIP. (MULTI) 5T, 3.5W
- EXISTING TREE
PROTECT FROM
CONSTRUCTION
- CAESALPINIA MEXICANA
MEXICAN BIRD OF PARADISE
5 GALLON
- TECOMA 'ORANGE JUBILEE'
ORANGE JUBILEE
5 GALLON
- HEPERALOE PARVIFLORA
RED YUCCA
5 GALLON
- DASYLIRION WHEELERII
DESERT SPOON
5 GALLON
- LEUCOPHYLLUM FRUTESCENS
'GREEN CLOUD'
5 GALLON
- ACACIA REDOLENS
'DESERT CARPET' tm
5 GALLON
- LANTANA MONTEVIDENSIS
'GOLD WOUND'
1 GALLON
- LANTANA MONTEVIDENSIS
TRAILING PURPLE
1 GALLON
- 1/2" MINUS MADISON GOLD
DECOMPOSED GRANITE
2" DEPTH IN ALL LANDSCAPE AREAS



CITY OF PHOENIX

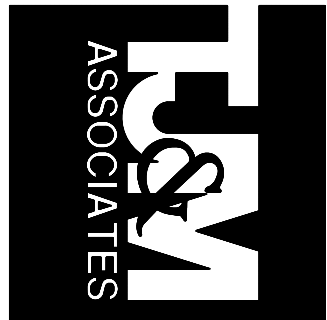
FEB 23 2024

Planning & Development
Department

T.J. McQUEEN & ASSOCIATES, INC.

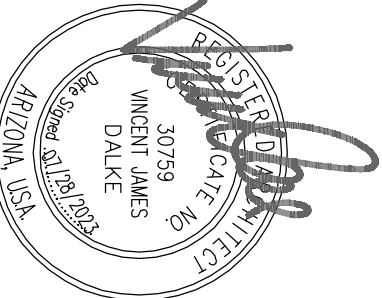
LANDSCAPE ARCHITECTURE
URBAN DESIGN
SITE PLANNING
10450 N. 74th Street, Suite 120
Scottsdale, Arizona 85258
P: (602) 265-0320

E-MAIL: timmquveen@tjma.net



NUMBER	REVISION	DATE
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SEAL



SHEET TITLE
ELEVATIONS

ISSUE DATE	4.27.2023
DRAWN	
CHECKED BY	
PROJECT NUMBER	
DRAWING NO.	

A1.4

REV

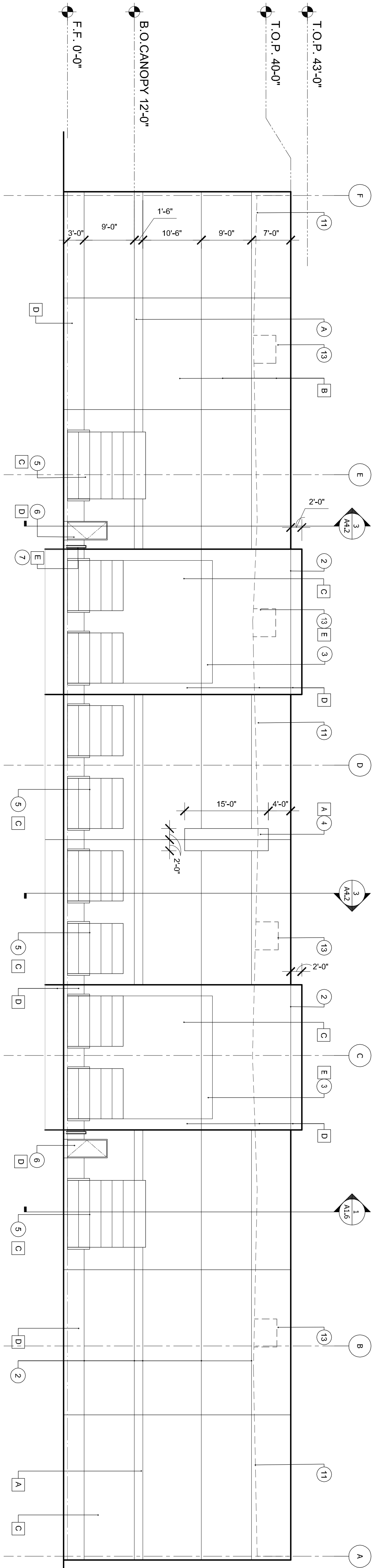
Hearing Date: April 17, 2024

- EXTERIOR ELEVATION KEYNOTES
CONCRETE TILT UP WALL PANELS
- 1 CONCRETE TILT UP WALL PANELS
 - 2 2' X 1/2" DEEP REVEAL
 - 3 2'-0" HIGH X 1/2" DEEP REVEAL
 - 4 4'-0" X 16'-0" X 1/2" DEEP REVEAL
 - 5 STEEL VERTICAL HI LIFT OVERHEAD SECTIONAL DOOR
 - 6 HOLLOW METAL DOOR AND FRAME
 - 7 REQUIRED FALL PROTECTION TO BE PROVIDED @ CONC. WALL, TYPICAL.
 - 8 1" FIXED INSULATED GLASS IN CLEAR ANODIZED ALUMINUM FRAMES
 - 9 SPANDREL GLASS TO MATCH KEYNOTE #9
 - 10 STEEL TUBE CANOPY PER DETAILS
 - 11 LINE OF ROOF BEYOND PARAPET
 - 12 1'-6" HIGH INDIVIDUALLY MOUNTED PAN CHANNEL BEYOND ANODIZED ALUMINUM HELVETICA MEDIUM ADDRESS NUMBERS
 - 13 FUTURE MECHANICAL UNIT BEYOND PARAPET CONTRACTOR TO CONFIRM THAT FUTURE UNITS WILL BE FILLING SCREENED BEHIND PARAPET WALLS.

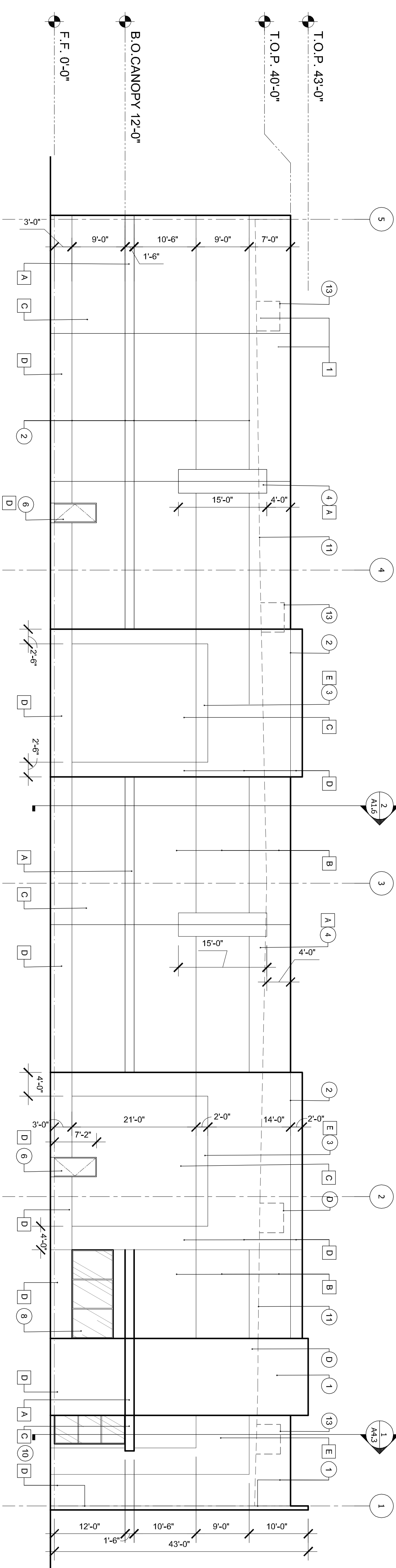
EXTERIOR PAINT COLORS
SHERWIN WILLIAMS OR EQUAL UNO

- | | |
|---|-------------------------------|
| A | WHITE, (DUNN EDWARDS) DEW 390 |
| B | NATURAL LINEN SW 9109, 205-C1 |
| C | GINGER ROOT SW 9095, 202-C2 |
| E | SWING BROWN SW 6046-193-C5 |
| F | RED BAY SW 6321-113-C7 |

NOTE: EXTERIOR GLASS TO BE INSULATED IN CLEAR ANODIZED CENTER GLAZED ALUMINUM FRAMES. GLASS TO BE 1/2" SPUN GLASS BY HARRISON PROPERTIES. MINIMUM U-VALUE = 0.25, SHGC = 0.25)



1 BUILDING A - EAST ELEVATION
SCALE: 3/32" = 1'-0"



2 BUILDING A - NORTH ELEVATION
SCALE: 3/32" = 1'-0"

CITY OF PHOENIX

FEB 23 2024

Planning & Development
Department

REV

PHO-2-24--Z-62-13-7

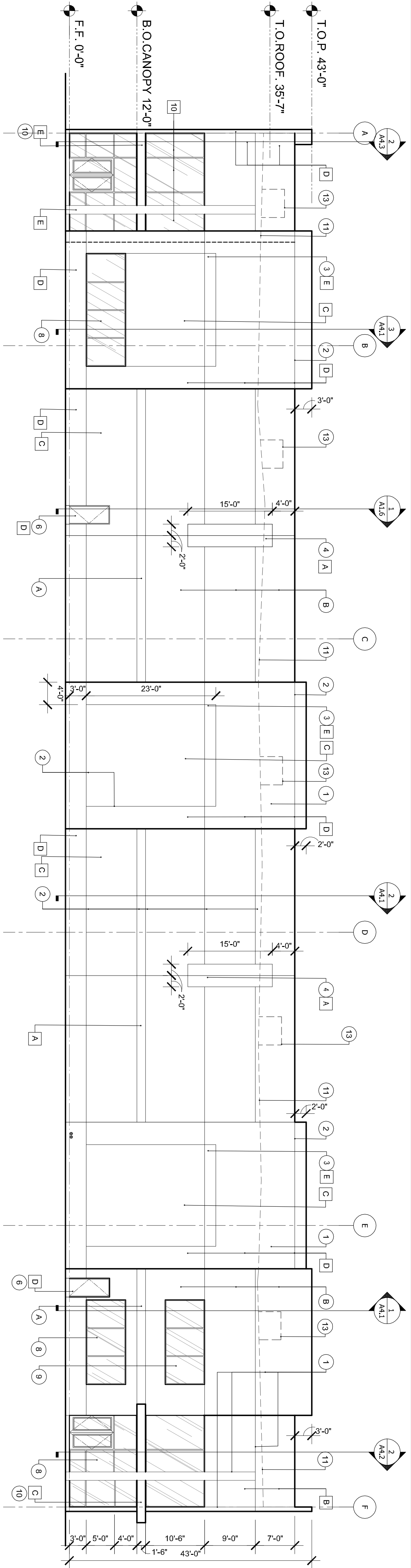
D:\000\59th buckeye\CAD\Plan\A1.4 - ELEVATIONS BUILDING A.dwg

CONCRETE TILT UP WALL PANELS

- 1 CONCRETE TILT UP WALL PANELS
- 2 2' X 1/2' DEEP REVEAL
- 3 2'-0" HIGH X 1/2' DEEP REVEAL
- 4 4'-0" X 15'-0" X 1/2' DEEP REVEAL
- 5 STEEL VERTICAL HI LIFT OVERHEAD SECTIONAL DOOR
- 6 HOLLOW METAL DOOR AND FRAME
- 7 REQUIRED FALL PROTECTION TO BE PROVIDED @ CONC. WALL TYPICAL
- 8 1" FIXED INSULATED GLASS IN CLEAR ANODIZED ALUMINUM FRAMES
- 9 SPANDREL GLASS TO MATCH KEYNOTE #9
- 10 STEEL TUBE CANOPY PER DETAILS
- 11 LINE OF ROOF BEYOND PARAPET
- 12 1'-6" HIGH INDIVIDUALLY MOUNTED PAN CHANNEL ADDRESS NUMBERS
- 13 FUTURE MECHANICAL UNIT BEYOND PARAPET CONTRACTOR TO CONFIRM THAT FUTURE UNITS WILL BE FITTING SCREENED BEHIND PARAPET WALLS.

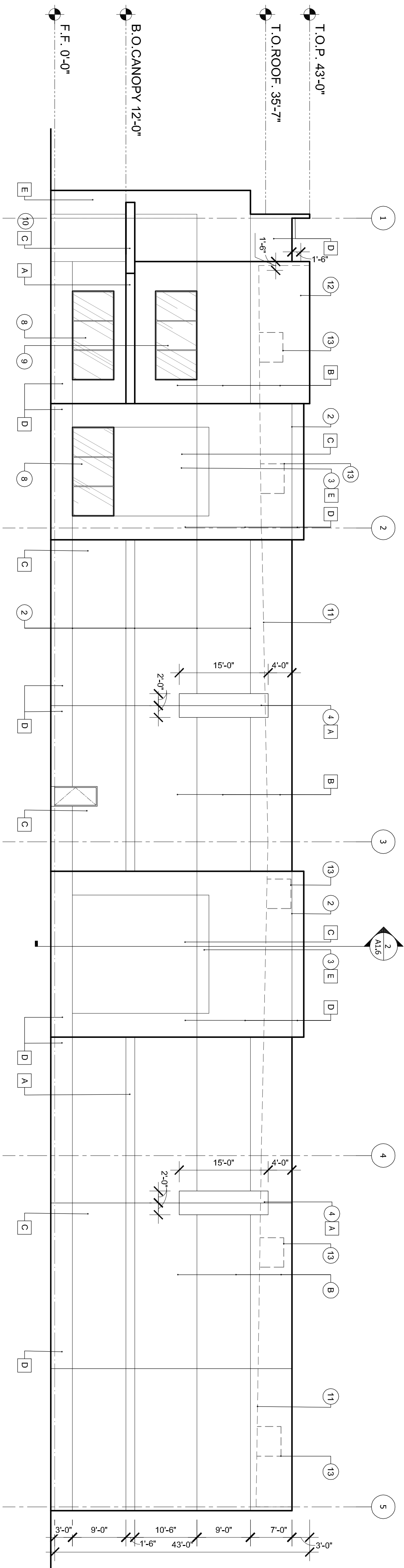
- EXTERIOR PAINT COLORS
SHERWIN WILLIAMS, OR EQUAL UNO
- | | |
|---|-------------------------------|
| A | WHITE, (DUNN EDWARDS) DEW 380 |
| B | NATURAL LINEN SW 9109, 205-C1 |
| C | GINGER ROOT SW 9095, 202-C2 |
| E | SWING BROWN SW 6046-19Q-C5 |
| F | RED BAY SW 6521-113-C7 |

NOTE: EXTERIOR GLASS TO BE INSULATED IN CLEAR ANODIZED CENTER GLAZED ALUMINUM BY GUARDIAN GLASS, SUPER NEUTRAL 88 ON GRAY (U-VALUE = 0.29, SHGC = 0.25)



1 BUILDING A - WEST ELEVATION

SCALE: 3/32" = 1'-0"



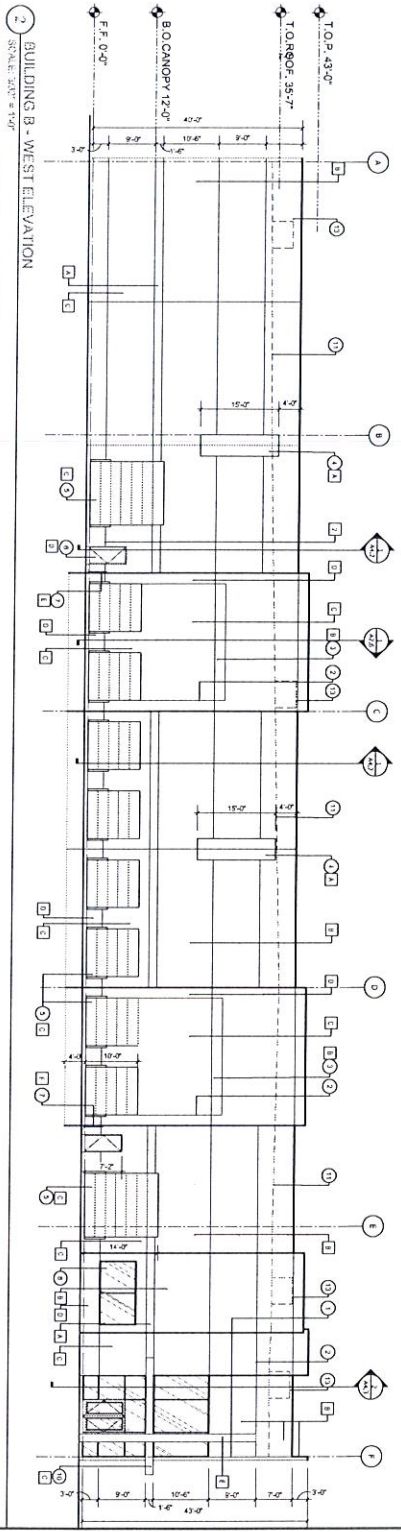
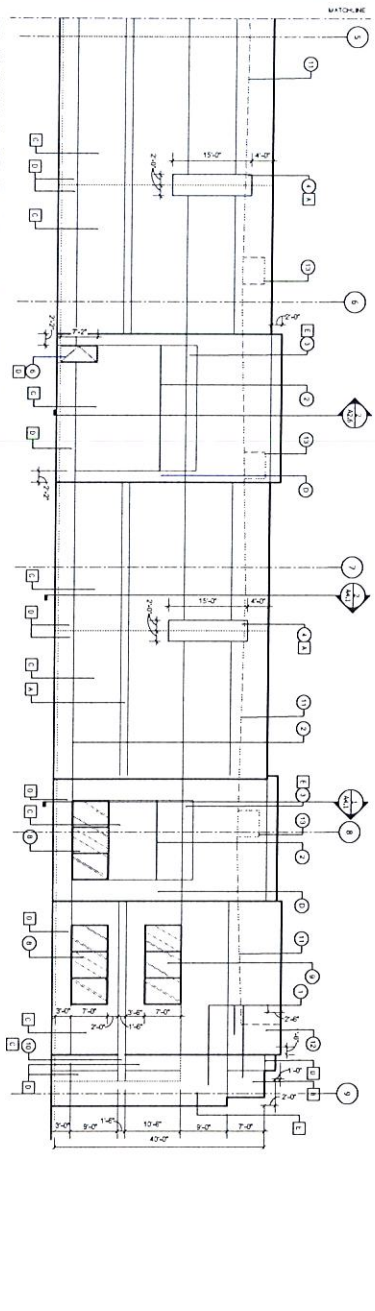
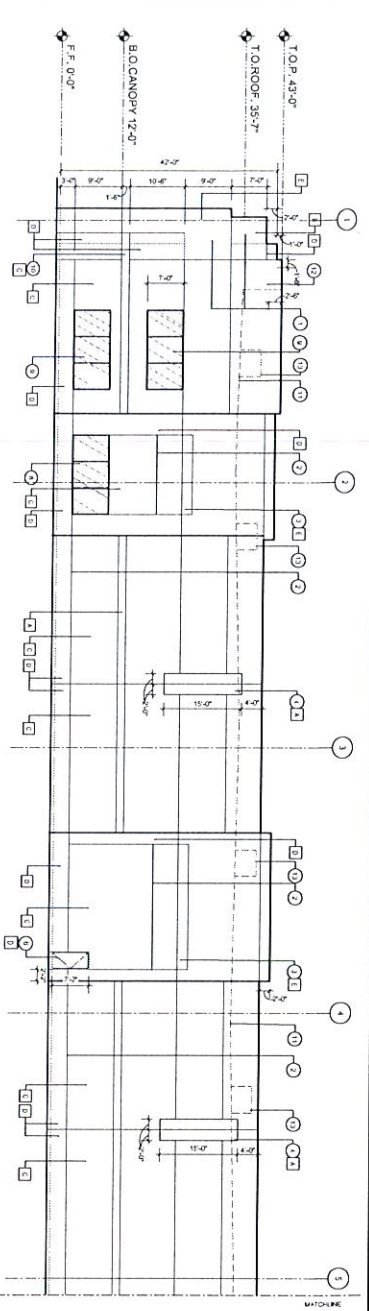
2 BUILDING A - SOUTH ELEVATION

SCALE: 3/32" = 1'-0"

CITY OF PHOENIX

FEB 23 2024

Planning & Development
Department



- EXTERIOR ELEVATION KEYNOTES**
- 1 CONCRETE TILT UP WALL PANELS
 - 2 2" X 4" TYPICAL
 - 3 2" X 4" TYPICAL
 - 4 4" X 8" X 1/2" DEEP METAL
 - 5 4" X 8" X 1/2" DEEP METAL
 - 6 4" X 8" X 1/2" DEEP METAL
 - 7 4" X 8" X 1/2" DEEP METAL
 - 8 4" X 8" X 1/2" DEEP METAL
 - 9 4" X 8" X 1/2" DEEP METAL
 - 10 4" X 8" X 1/2" DEEP METAL
 - 11 4" X 8" X 1/2" DEEP METAL
 - 12 4" X 8" X 1/2" DEEP METAL
 - 13 4" X 8" X 1/2" DEEP METAL
 - 14 4" X 8" X 1/2" DEEP METAL
 - 15 4" X 8" X 1/2" DEEP METAL
 - 16 4" X 8" X 1/2" DEEP METAL
 - 17 4" X 8" X 1/2" DEEP METAL
 - 18 4" X 8" X 1/2" DEEP METAL
 - 19 4" X 8" X 1/2" DEEP METAL
 - 20 4" X 8" X 1/2" DEEP METAL
 - 21 4" X 8" X 1/2" DEEP METAL
 - 22 4" X 8" X 1/2" DEEP METAL
 - 23 4" X 8" X 1/2" DEEP METAL
 - 24 4" X 8" X 1/2" DEEP METAL
 - 25 4" X 8" X 1/2" DEEP METAL
 - 26 4" X 8" X 1/2" DEEP METAL
 - 27 4" X 8" X 1/2" DEEP METAL
 - 28 4" X 8" X 1/2" DEEP METAL
 - 29 4" X 8" X 1/2" DEEP METAL
 - 30 4" X 8" X 1/2" DEEP METAL
 - 31 4" X 8" X 1/2" DEEP METAL
 - 32 4" X 8" X 1/2" DEEP METAL
 - 33 4" X 8" X 1/2" DEEP METAL
 - 34 4" X 8" X 1/2" DEEP METAL
 - 35 4" X 8" X 1/2" DEEP METAL
 - 36 4" X 8" X 1/2" DEEP METAL
 - 37 4" X 8" X 1/2" DEEP METAL
 - 38 4" X 8" X 1/2" DEEP METAL
 - 39 4" X 8" X 1/2" DEEP METAL
 - 40 4" X 8" X 1/2" DEEP METAL
 - 41 4" X 8" X 1/2" DEEP METAL
 - 42 4" X 8" X 1/2" DEEP METAL
 - 43 4" X 8" X 1/2" DEEP METAL
 - 44 4" X 8" X 1/2" DEEP METAL
 - 45 4" X 8" X 1/2" DEEP METAL
 - 46 4" X 8" X 1/2" DEEP METAL
 - 47 4" X 8" X 1/2" DEEP METAL
 - 48 4" X 8" X 1/2" DEEP METAL
 - 49 4" X 8" X 1/2" DEEP METAL
 - 50 4" X 8" X 1/2" DEEP METAL
 - 51 4" X 8" X 1/2" DEEP METAL
 - 52 4" X 8" X 1/2" DEEP METAL
 - 53 4" X 8" X 1/2" DEEP METAL
 - 54 4" X 8" X 1/2" DEEP METAL
 - 55 4" X 8" X 1/2" DEEP METAL
 - 56 4" X 8" X 1/2" DEEP METAL
 - 57 4" X 8" X 1/2" DEEP METAL
 - 58 4" X 8" X 1/2" DEEP METAL
 - 59 4" X 8" X 1/2" DEEP METAL
 - 60 4" X 8" X 1/2" DEEP METAL
 - 61 4" X 8" X 1/2" DEEP METAL
 - 62 4" X 8" X 1/2" DEEP METAL
 - 63 4" X 8" X 1/2" DEEP METAL
 - 64 4" X 8" X 1/2" DEEP METAL
 - 65 4" X 8" X 1/2" DEEP METAL
 - 66 4" X 8" X 1/2" DEEP METAL
 - 67 4" X 8" X 1/2" DEEP METAL
 - 68 4" X 8" X 1/2" DEEP METAL
 - 69 4" X 8" X 1/2" DEEP METAL
 - 70 4" X 8" X 1/2" DEEP METAL
 - 71 4" X 8" X 1/2" DEEP METAL
 - 72 4" X 8" X 1/2" DEEP METAL
 - 73 4" X 8" X 1/2" DEEP METAL
 - 74 4" X 8" X 1/2" DEEP METAL
 - 75 4" X 8" X 1/2" DEEP METAL
 - 76 4" X 8" X 1/2" DEEP METAL
 - 77 4" X 8" X 1/2" DEEP METAL
 - 78 4" X 8" X 1/2" DEEP METAL
 - 79 4" X 8" X 1/2" DEEP METAL
 - 80 4" X 8" X 1/2" DEEP METAL
 - 81 4" X 8" X 1/2" DEEP METAL
 - 82 4" X 8" X 1/2" DEEP METAL
 - 83 4" X 8" X 1/2" DEEP METAL
 - 84 4" X 8" X 1/2" DEEP METAL
 - 85 4" X 8" X 1/2" DEEP METAL
 - 86 4" X 8" X 1/2" DEEP METAL
 - 87 4" X 8" X 1/2" DEEP METAL
 - 88 4" X 8" X 1/2" DEEP METAL
 - 89 4" X 8" X 1/2" DEEP METAL
 - 90 4" X 8" X 1/2" DEEP METAL
 - 91 4" X 8" X 1/2" DEEP METAL
 - 92 4" X 8" X 1/2" DEEP METAL
 - 93 4" X 8" X 1/2" DEEP METAL
 - 94 4" X 8" X 1/2" DEEP METAL
 - 95 4" X 8" X 1/2" DEEP METAL
 - 96 4" X 8" X 1/2" DEEP METAL
 - 97 4" X 8" X 1/2" DEEP METAL
 - 98 4" X 8" X 1/2" DEEP METAL
 - 99 4" X 8" X 1/2" DEEP METAL
 - 100 4" X 8" X 1/2" DEEP METAL

CITY OF PHOENIX
FEB 23 2024
Planning & Development

PROJECT FOR HARRISON PROPERTIES
59th AVE. & LOWER BUCKEYE ROAD
 PHOENIX, AZ 85043

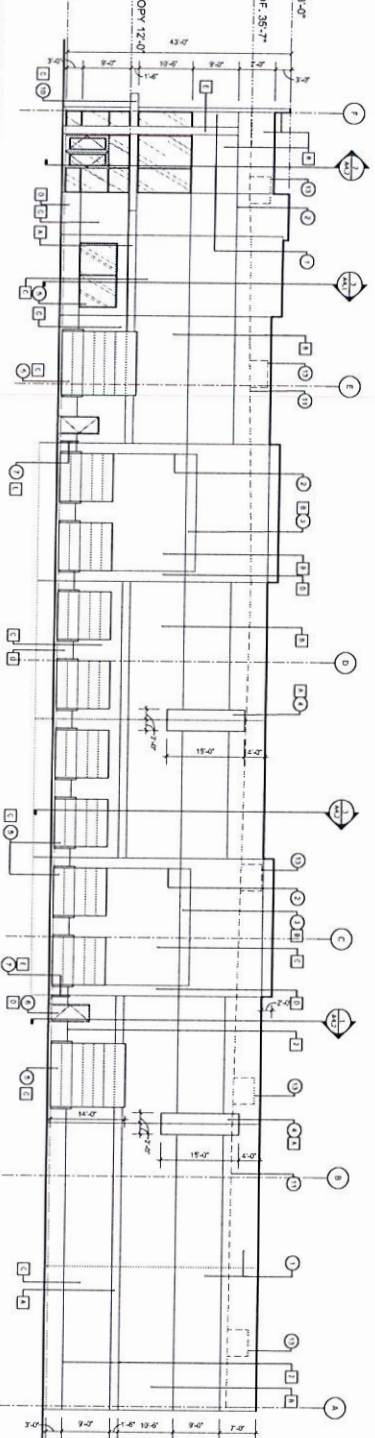
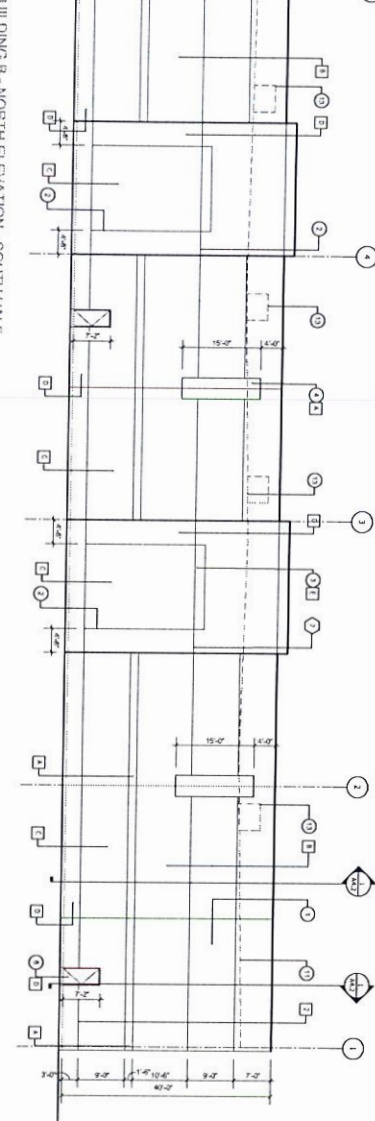
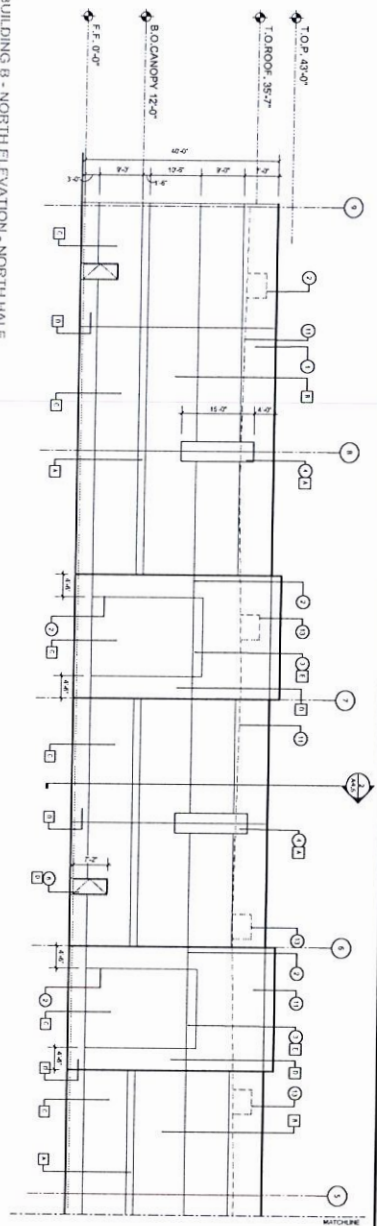
DALKE DESIGN GROUP
 2039 E RICE DR., TEMPE
 AZ 85283
 480-988-3793
 WWW.DALKEDESIGNGROUP.COM

DATE: _____
 REVISION: _____
 NUMBER: _____

PROJECT TITLE: _____
 PROJECT NUMBER: _____
 SHEET NUMBER: _____

DATE: 4-27-2023
 DRAWN BY: _____
 CHECKED BY: _____
 APPROVED BY: _____

A2.4



- EXTERIOR ELEVATION NOTES**
- 1. CONCRETE TILT UP WALL PANELS
 - 2. 2" X 6" DEEP BEAM
 - 3. 2" X 6" DEEP BEAM
 - 4. 4" X 8" X 1/2" STEEL BRACE
 - 5. 4" X 8" X 1/2" STEEL BRACE
 - 6. STEEL VERTICAL SLIP JOINTS AND SECTIONS
 - 7. POLYURETHANE SEAL DOOR AND FRAME
 - 8. 6" X 6" X 1/2" STEEL BRACE
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CITY OF PHOENIX

FEB 23 2024

Planning & Development

A2.5



PROJECT FOR HARRIS/DA PROPERTIES
59th AVE. & LOWER BUCKEYE ROAD
 PHOENIX, AZ 85028

2039 E RICE DR., TEMPE
 AZ 85283
 480-885-5793
 VINCE@DALKEGROUP.COM



Acreage: 37.21

Applicant: Nick Wood, Esq., Snell & Wilmer LLP

Owner: Airpark 30 LLC

Representative: Nick Wood, Esq., Snell & Wilmer LLP

Proposal:

1. Modification of Stipulation 1 regarding expiration of special permit.

Location

Southwest corner of Central Avenue and Misty Willow Lane.

Council District: 1

Parcel Address: 23472 N. Central Ave.

Concurrence

Village Planning Committee (VPC) Recommendation: The Deer Valley Village Planning Committee recommended approval by a 9-0 vote on Dec. 21, 2017.

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval on Jan. 17, 2018.

This item was adopted.

86 Amend City Code - Ordinance Adoption - Rezoning Application
PHO-1-17--Z-62-13-7 - Approximately 1,320 Feet South of the
Southwest Corner of 59th Avenue and Lower Buckeye Road
(Ordinance G-6419)

Request authorization for the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Dec. 20, 2017.

Summary

Application: PHO-1-17--Z-62-13-7

Existing Zoning: A-1

Acreage: 35.0

Applicant: Red River 647 Holdings, LLC dba 59LBR

Owner: Newport Groups 22, LLC

Representative: Teresa Harvey

Proposal:

1. Modification of Stipulation 1 regarding general conformance with site plan and landscape plans date stamped Feb. 27, 2017.
2. Modification of Stipulation 2 regarding a minimum 75-foot building setback along the west and south property lines.
3. Modification of Stipulation 3 regarding a minimum 75-foot building setback along the west and east property lines.
4. Deletion of Stipulation 5 regarding an 8-foot decorative wall.
5. Deletion of Stipulation 6 regarding perimeter wall material and textural differences.
6. Modification of Stipulation 8 regarding outdoor storage within 250 feet of the north, south and west property lines.
7. Deletion of Stipulation 9 regarding a one-foot non-vehicular access easement along the west property line.
8. Deletion of Stipulation 10 regarding right-of-way dedication for the south half of Lower Buckeye Road.
9. Deletion of Stipulation 13 regarding right-of-way dedication for the 63rd Avenue Alignment.
10. Deletion of Stipulation 14 regarding right-of-way dedication for the proposed 63rd Avenue from Florence Avenue to Lower Buckeye Road.
11. Deletion of Stipulation 15 regarding right-of-way dedication for the east half of 63rd Avenue.
12. Deletion of Stipulation 16 regarding contacting Bruce Littleton.
13. Technical correction to Stipulations 18 and 19.

Location

Approximately 1,320 feet south of the southwest corner of 59th Avenue and Lower Buckeye Road.

Council District: 7

Parcel Address: N/A

Concurrence

Village Planning Committee (VPC) Recommendation: The Laveen Village Planning Committee recommended approval with modified stipulations by a 8-0 vote on Oct. 17, 2017.

Planning Hearing Officer Recommendation: The Planning Hearing Officer took the case under advisement. The Planning Hearing Officer took the

case out from under advisement on Jan. 8, 2018 and recommended denial as filed and approved with modified stipulations and an additional stipulation.

This item was adopted.

A motion was made by Vice Mayor Pastor, seconded by Councilwoman Williams, to suspend the rules and hear Item 61 out of order. The motion carried by voice vote:

Yes: 8 - Councilman Nowakowski, Councilwoman Stark, Councilman Valenzuela, Councilman Waring, Councilwoman Williams, Councilwoman Gallego, Vice Mayor Pastor and Mayor Stanton

No: 0

Absent: 1 - Councilman DiCiccio

61 Terminal 3 Food and Beverage and Retail Revenue Contract Solicitation Award Recommendation (Ordinance S-44289)

Request to authorize the City Manager, or his designee, to enter into Food and Beverage and Retail Concession Agreements at Phoenix Sky Harbor International Airport. The gross sales for all Agreements are estimated to produce \$400 million over the 10-year term, resulting in approximately \$51.6 million in revenue to the City.

Summary

On May 10, 2017, Phoenix City Council authorized the issuance of a Revenue Contract Solicitation (RCS) for four Concession Agreements (Agreement) opportunities in Terminal 3, two Food and Beverage and two Retail. The goals of the solicitation were to encourage competition, reflect the region and include national, regional, local brands and concepts, optimize sales and revenue, increase opportunity for local and small business participation, raise quality and uniqueness of souvenir and gifts merchandise, and phase implementation to coincide with the Terminal 3 Modernization construction schedule.

The four Agreement opportunities were designed to achieve a diverse and balanced concession program. The opportunities consist of nine Food and Beverage locations and eleven Retail locations. Successful respondents may only be awarded one Food and Beverage Agreement

REPORT OF PLANNING HEARING OFFICER ACTION
Teresa Hillner, Planner III, Hearing Officer
Jazmine Braswell, Planner I, Assisting

December 20, 2017

ITEM 1

DISTRICT 7

SUBJECT:

Application #: Z-62-13-7
Zoning: A-1
Acreage: 35.0
Location: Approximately 1320 feet south of the southwest corner of 59th Avenue and Lower Buckeye Road
Proposal:

- 1) Modification of Stipulation No. 1 regarding general conformance with site plan and landscape plans date stamped February 27, 2017.
- 2) Modification of Stipulation No. 2 regarding a minimum 75-foot building setback along the west and south property lines.
- 3) Modification of Stipulation No. 3 regarding a minimum 75-foot building setback along the west and east property lines.
- 4) Deletion of Stipulation No. 5 regarding an 8-foot decorative wall.
- 5) Deletion of Stipulation No. 6 regarding perimeter wall material and textural differences.
- 6) Modification of Stipulation No. 8 regarding outdoor storage within 250 feet of the north, south and west property lines.
- 7) Deletion of Stipulation No. 9 regarding a one-foot non-vehicular access easement along the west property line.
- 8) Deletion of Stipulation No. 10 regarding right-of-way dedication for the south half of Lower Buckeye Road.
- 9) Deletion of Stipulation No. 13 regarding right-of-way dedication for the 63rd Avenue Alignment.
- 10) Deletion of Stipulation No. 14 regarding right of way dedication for the proposed 63rd Avenue from Florence Avenue to Lower Buckeye Road.
- 11) Deletion of Stipulation No. 15 regarding right of way dedication for the east half of 63rd Avenue.
- 12) Deletion of Stipulation No. 16 regarding contacting Bruce Littleton.
- 13) Technical correction to Stipulation Nos. 18 and 19.

Applicant: Red River 647 Holdings, LLC dba 59LBR
Owner: Newport Groups 22, LLC
Representative: Teresa Harvey

ACTIONS:

Planning Hearing Officer Recommendation: The Planning Hearing Officer took the case under advisement. The Planning Hearing Officer took the case out from under advisement on January 8, 2018 and recommended denial as filed and approved with modified stipulations and an additional stipulation.

Village Planning Committee (VPC) Recommendation: At their October 17, 2017 meeting, the Estrella Village Planning Committee recommended approval with modifications by an 8-0 vote.

DISCUSSION:

Ms. Teresa Harvey, developer representative for Central Freight Line Inc., provided a brief overview of the logistics company and their proposal of a new terminal at the corner of 59th Avenue and Lower Buckeye Road. She noted that the proposed 202 freeway will run through the site included in the original PHO. Ms. Harvey was asking to modify the stipulations for the new parcel and was proposing to sell five acres off 59th Avenue for the development of a retail buffer for the logistics facility.

Ms. Tricia Gomes noted that the rezoning case applies to the overall site, she explained that the stipulations pertaining to the overall zoning case would remain and those to the smaller piece would be modified as they would not have been applicable anyway.

Ms. Gomes read the request beginning with stipulation number one regarding general conformance, which would be modified to the new date of September 20, 2017. For stipulation number two, the setback along the south would remain and the west would be remove.

Ms. Harvey asked for clarification on whether the landscape setback would be required in addition to the building setback, she added that a 200-foot easement exists currently which she would be unable to build on anyway, which she would be okay with.

Ms. Gomes clarified that she would want to retain the southern setback to assure 75 feet of landscaping would be provided.

Ms. Harvey agreed.

Ms. Gomes continued with stipulation number three, which would retain the 75 foot building setback along the east and remove the west.

Ms. Harvey asked if the 75-foot setback would remain along 59th Avenue.

Ms. Gomes responded that that was correct, which was part of the original request's intent.

Ms. Harvey added that the original case was for a high intense, industrial site, intended for a distribution center. She asked the Planning Hearing Officer if she would reconsider that decision as recent discussion to acquire the parcel to the east of 59th Avenue found they did not have the 75-foot building setback along the west. She added that a 55 foot right of way easement already existed on the site and adding a 75-foot building setback for a retailer would be challenging. Making that almost the entire depth of the five acres.

Ms. Gomes clarified that the 75-building setback would be total. Her proposal is retail but there are several industrial uses that would also be permitted.

Ms. Gomes said she would revisit stipulation three. And continued with the following request of stipulation number five regarding an eight-foot decorative wall which would be deleted. She added that we could move forward with the deletion of stipulation number six as the only property line that impacts the site is to the south.

Ms. Harvey explained that regarding stipulation eight, the only reason why they included storage was due to the City of Phoenix's definition of storage which is any vehicle that goes unmoved for a period longer than 48 hours. She added that although this facility constantly has its vehicles in rotation there could be on certain occasions throughout the year weekends when the facility is closed due to holidays. The applicant and her team wished to include the storage as a precaution.

As far as the south line, there is an SRP easement which is allowing them to park vehicles. With regards to the easement neighboring the residents, the applicant would be providing a basin and landscaping so she was alright with that.

Ms. Gomes asked if the applicant would be okay with a clarification, so it's clear if trailers were being parked over the weekend.

Ms. Harvey responded that would be perfect.

Ms. Gomes made the determination to delete the north and west as they do not impact the site, retaining the 250-foot limitation on the south and include language in the stipulation to read "with the exception of trailer storage not to be located closer than 200 feet".

Ms. Harvey responded that she agreed.

Ms. Gomes continued to address the remaining stipulations, stipulation nine would be deleted as Ms. Harvey's property would not be abutting the west property line. She noted that the west side of the new property line would be the freeway. Stipulation number ten would be deleted as the site would not abut Lower Buckeye Road, she added that the City would still obtain the dedications once those sites developed as well as stipulation number 13.

Ms. Gomes addressed stipulation number 14 regarding right of way dedication, for the same reason stated, the site is not adjacent to 63rd Avenue, the stipulation would be deleted as well as stipulation number 15. She added that stipulation 16 would be deleted as our site was not next to Lower Buckeye Road nor 63rd Avenue. The last two requests were technical corrections to revise stipulations which referenced department staff. Stipulation number 16 would remove Alan Hilty and stipulation number 17 would remove Diane Gomez. Ms. Gomes explained that the reason for these technical corrections were for when staff changed.

Ms. Gomes added that a comment was received from the Parks Department adding an archaeological stipulation, stating that "in the event of any archeological materials encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of the discovery, notify the city archeologist and allow time for the archeological office to assess the materials".

Ms. Harvey replied that she was already in contact with Ms. Lorena, with the city's archeology team. Stating that phase I had been completed. There had been artifacts found including one body which has since been reported.

Ms. Gomes revisited stipulation number three regarding the 75-foot building setback along the west and east. Asking for clarification from the applicant.

Ms. Harvey asked to be allowed to have A-1 setbacks along the east side of 25 feet.

Ms. Gomes took the case under advisement to allow time to look at the zoning cases surrounding the site to assure consistency.

Ms. Harvey stated that she appreciated the consistency and thanked the Planning Hearing Officer.

FINDINGS:

1. The applicant's request and impacted property is only a small portion of the overall rezoning area. The stipulations directly impacting the applicant's proposal have been modified while retaining the consistent streetscape for industrial properties given the eclectic mix of zoning within the Estrella Village planning area.
2. While there is no adjacent residential zoning to the east of the proposed development, the city has consistently adopted Commerce Park development standards along the street. So the elimination of the 75-foot is not appropriate; however, a modification to the stipulation is similar to the adjacent industrial developments.

DECISION:

The Planning Hearing Officer took the case under advisement. The Planning Hearing Officer took the case out from under advisement on January 8, 2018 and recommended denial as filed and approved with modified stipulations and an additional stipulation.

STIPULATIONS:

1.	The development shall be in general conformance with the site plan and landscape plans date stamped February 27, 2014 , SEPTEMBER 20, 2017 as approved by the Planning and Development Department.
2.	A minimum 75-foot landscape setback shall be provided along the west and south property lines and shall utilize the Commerce Park/General Commerce Park landscape standards for plant types, quantity and spacing, as approved by the Planning and Development Department.
3.	COMMERCE PARK/GENERAL COMMERCE PARK DEVELOPMENT STANDARDS A minimum 75-foot building setback shall be provided along the west and east property lines, as approved by the Planning and Development Department.
4.	A minimum 125-foot building setback shall be provided along the south property line, as approved by the Planning and Development Department.
5.	An eight-foot high decorative wall shall be constructed and set back a minimum of 75 feet from the west property line, as approved by the Planning and Development Department.
6.	The perimeter walls adjacent to Lower Buckeye Road and 63rd Avenue shall include material and textural differences, such as stucco and/or split face block with a decorative element, such as tile, glass insets, or stamped designs, as approved by the Planning and Development Department.
57.	Building height shall be limited to a maximum of 48 feet within 150 feet of the south property line, as approved by the Planning and Development Department.
68.	Outdoor storage shall not be permitted within 250 feet of the north , south and west property lines, EXCEPT FOR THE TRAILER STORAGE SHALL NOT BE LOCATED CLOSER THAN 200 FEET, as approved by the Planning and Development Department.
9.	A one-foot non-vehicular access easement shall be provided along the west property line, as approved by the Planning and Development Department.
10.	Right-of-way totaling 55 feet shall be dedicated for the south half of Lower Buckeye Road. Provide full improvements consisting of curb, gutter, sidewalk, curb ramps, streetlights, landscaping and incidentals for the length of the

	project.
744.	Submit amended Traffic Impact Study Analysis updated to proposed development use. Additional improvements may be stipulated based upon study findings.
842.	Right-of-way totaling 55 feet shall be dedicated for the west half of 59th Avenue. Provide curb, gutter, paving, sidewalk, curb ramps, streetlights, landscaping and incidentals for the length of the project.
13.	Right-of-way totaling 50 feet shall be dedicated for the existing 63rd Avenue Alignment with a minimum 25-foot pavement section to service Williams Street. Provide curb, gutter, sidewalk, paving and incidentals for the length of the project.
14.	Right-of-way totaling 60 feet shall be dedicated for the proposed 63rd Avenue from Florence Avenue to Lower Buckeye Road. Provide curb, gutter, paving, sidewalk, curb ramps, streetlights, landscaping and incidentals for the length of the project.
15.	Right-of-way 30 feet shall be dedicated for the east half of 63rd Avenue. Provide curb, gutter, paving, sidewalk, curb ramps, streetlights, landscaping and incidentals for the length of the project.
16.	Contact Bruce Littleton (602-262-4690) for potential conduit and junction boxes at Lower Buckeye Road and 63rd Avenue for future signal equipment for the intersection. Submittal will be made as a separate document that shows the entire intersections with existing conduit runs and junction boxes. The Developer will submit the approved plan to the Civil Plans Coordinator as part of the civil engineering plan set. All work related to the construction or reconstruction of the signal, conduit runs and junction box installation is the responsibility of the Developer.
947.	The developer shall update all existing off-site street improvements (sidewalks, curb ramps and driveways) to current ADA guidelines.
1048.	Complete a Red Border Letter to notify ADOT of development adjacent to its freeway corridor and submit it to Alan Hilty in the Street Transportation Department 602-262-6193 , with a copy to the Traffic Engineer and Civil Plans Reviewer.
1149.	Provide underground street light circuits, poles and fixtures on all public streets in locations approved by the Street Transportation Department. Submit one copy of the approved site plan with three copies of the streetlight plans to the 2nd floor of City Hall to be routed to Street Lighting Section reviewer, Diane Gomez 602-262-7223 .

1220.	The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, setback sidewalk, curb ramps, streetlights, landscape and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
13.	IN THE EVENT ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, THE DEVELOPER SHALL IMMEDIATELY CEASE ALL GROUND DISTURBING ACTIVITIES WITHIN A 33-FOOT RADIUS OF THE DISCOVERY, NOTIFY THE CITY ARCHAEOLOGIST, AND ALLOW TIME FOR THE ARCHAEOLOGY OFFICE TO PROPERLY ASSESS THE MATERIALS.

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. Please contact the Planning and Development Department, Tamara Ingersoll at voice number 602-534-6648 or TTY use 7-1-1.

that would be employed. She discussed the freeway segment phasing schedule, including construction dates and roadway design. She noted existing and anticipated construction impacts and mitigation strategies. She provided a detailed analysis of the I-10 Segment including construction schedules for utilities, bridges, sound walls, drainage culverts, and other features. She displayed graphics of the construction progress of the I-10 Segment.

The Committee expressed major concerns related to having multiple arterial streets closed during construction. Committee members noted that there are not many local or collector streets to help relieve the traffic that will be caused by the closures. The Committee further noted that this could cause problems during the holidays as Amazon street closures will occur as well.

Ms. Rubin explained that contractually no two adjacent streets can be closed at the same time. Further, she noted that Connect 202 Partners is working with the existing businesses and the City of Phoenix in order to mitigate as many traffic issues as possible.

7. **PHO-1-17—Z-62-13-7:** Presentation, discussion, and possible recommendation on a request to modify stipulations regarding general conformance to a site plan, building setbacks, decorative and perimeter walls, outdoor storage, non-vehicular access easements, right-of-way dedications, and construction/ reconstruction of the signal for a 35-acre property located approximately 1,320 feet south of the southwest corner of 59th Avenue and Lower Buckeye Road. Presentation by the applicant.

Ms. Teresa Harvey gave an overview of the PHO request explaining that Central Freight Lines would be using the property as a trucking logistics facility. Ms. Harvey went on to explain that the site would be used as a hub to allow the larger trucks to unload and transfer their items into two or three smaller delivery trucks. Ms. Harvey noted that some of the setback requirements for the development would be exceeding the A-1 standards in order to create a buffer from 59th Avenue to the west and the adjacent residential homes to the south. In addition, she explained the Central Freight Lines would provide on-site maintenance such as a repair shop and fueling station for their trucks. Lastly, Ms. Harvey provided an overview of the intersection improvements by the Arizona Department of Transportation (ADOT) that would occur at 59th Avenue and Lower Buckeye Road due to the construction of the Loop 202 Freeway just west of the intersection.

She noted that the proposal had previously been heard by the Committee for a property across 59th Avenue from the subject site as part of a rezoning case. She explained that the contract to purchase the previous property had been terminated and the rezoning case was withdrawn. The owner is now under contract to purchase the subject site which has the A-1 zoning entitlement but requires a PHO hearing.

Ms. Peggy Eastburn expressed concerns about the lack of right-of-way dedications adjacent to the SRP property to the north of the subject site.

Ms. Lisa Perez asked the applicant if a neighborhood meeting took place. **Ms. Teresa Harvey** explained that there was no neighborhood meeting as it is not required for a PHO hearing. Ms. Harvey noted that two notification letters were sent out to inform the public of the PHO request.

Ms. Perez expressed wanting to have increased buffers and restrictions on lighting to mitigate impacts on the residential properties to the south. **Ms. Harvey** explained that there is a 30' building setback as well as an APS utility easement approximately 175 feet deep that will not allow for building or lighting along the south property line.

MOTION

Ms. Lisa Perez motioned, with a second from **Mr. Dan Rush**, to recommend approval of the request with modifications.

VOTE

8-0, approval with modifications.

8. Presentation and discussion regarding H.B. 2365 regarding small cell wireless communication facilities. Presentation by Planning and Development Department staff.

Ms. DiMartino provided an overview of the issue and discussed the possibility of a text amendment coming before the committee on the topic.

The Committee had no comments regarding this item.

9. Presentation and discussion regarding the 2017 Estrella Annual Report. Presentation by Planning and Development Department staff.

Ms. DiMartino noted that work on the 2017 Estrella Annual Report had begun and encouraged committee members to identify a project to highlight.

The Committee had no comments regarding this item.

10. Presentation and discussion on next steps for the General Plan Update – Centers Analysis. Presentation by the Planning and Development Department.

Ms. DiMartino informed the Committee that the General Plan Update- Centers Analysis will be discussed in early 2018.

The Committee had no comments regarding this item.

11. Discussion and possible recommendation regarding the 2018 meeting schedule for the Estrella Village Planning Committee.