



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

To: Departments Concerned

From: Joshua Bednarek

Planning & Development Department Director

Date: November 14, 2024

Subject: P.H.O. APPLICATION NO. PHO-1-24--Z-60-23-2 – Notice of Pending Actions by the Planning Hearing Officer

1. Your attention is called to the fact that the **Planning Hearing Officer** will consider the following case at a public hearing on **December 18, 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 **November 21, 2024**.

DISTRIBUTION

Mayor's Office (Tony Motola), 11th Floor
City Council (Stephanie Bracken), 11th Floor
Aviation (Jordan D. Feld)
CED (Michelle Pierson), 20th Floor
Fire Prevention (Joel Asirsan), 2nd Floor
Neighborhood Services (Gregory Gonzales, Lisa Huggins), 4th Floor
Parks & Recreation (Todd Shackelford), 16th Floor
Public Transit (Michael Pierce)
Street Transportation Department (Maja Brkovic, Josh Rogers, Alan Hilty, Chris Kowalsky), 5th Floor
Street Transportation - Ped. Safety Coordinator (Kurt Miyamoto), 5th Floor
Street Transportation - Floodplain Management (Tina Jensen, Priscilla Motola, Rudy Rangel), 5th Floor
Water Services (Don Reynolds, Victor Romo), 8th Floor
Planning and Development (Joshua Bednarek, Tricia Gomes), 3rd Floor
Planning and Development/Information Services (Ben Ernyei, Andrew Wickhorst), 4th Floor
Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor
Planning Hearing Officer (Byron Easton, Teresa Garcia), 2nd Floor
Village Planner (Adrian Zambrano, Paradise Valley Village)
Village Planning Committee Chair (Alex Popovic, Paradise Valley Village)



City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION FOR PLANNING HEARING OFFICER ACTION

APPLICATION NO: PHO-1-24--Z-60-23-2

Council District: 2

Request For: Stipulation Modification

Reason for Request: Request to modify Stipulation 4 regarding a minimum landscape strip.;Request to delete Stipulation 11 regarding minimum green infrastructure techniques.;Request to delete Stipulation 14 regarding overhead utilities in the public right-of-way.

Contact Information

Name	Relationship Type	Address	Phone	Fax	Email
Creation RE, LLC	Other	1200 North 52st Street, Phoenix AZ 85008			josh@lgedesignbuild.com
Josh Jurhill	Owner	2601 East Rose Garden Lane, Phoenix AZ 85050	602-923-6400		josh@muscularmovingmen.com
Stephen Anderson	Representative	40 North Central Avenue 20th Floor, Phoenix AZ 85004	602-256-4422		sanderson@gblaw.com
Aaron Reid	Other	40 North Central Avenue 20th Floor, Phoenix AZ 85004			areid@gblaw.com
Stephen Anderson	Applicant	40 North Central Avenue 20th Floor, Phoenix AZ 85004			sanderson@gblaw.com

Property Location: Approximately 375 feet east of the southeast corner of 25th Place and Rose Garden Lane

Acreage: 5.02

Geographic Information

Zoning Map	APN	Quarter Section
N9	213-11-014	Q41-33
Village: Paradise Valley		

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

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

I declare that all information submitted is true and correct to the best of my knowledge and belief. I acknowledge that any error in my application may be cause for changing its normal scheduling.

Signature: _____ DATE: _____

Fee Information

Fee	Fee Waived	Fee Date	Purpose
\$1,725.00	\$0.00		PHO (3+ stipulations)

GAMMAGE & BURNHAM, PLC

ATTORNEYS AT LAW
FORTY NORTH CENTRAL AVENUE
20TH FLOOR
PHOENIX, ARIZONA 85004

TELEPHONE (602) 256-0566
FACSIMILE (602) 256-4475

Stephen W. Anderson
sanderson@gbllaw.com

WRITER'S DIRECT LINE
(602) 256-4422

Submitted: October 30, 2024
Resubmitted: November 13, 2024

Bryon Easton
Planning Hearing Officer
City of Phoenix
Planning Department
City Hall, 3rd Floor
200 West Washington
Phoenix, AZ 85003

Re: Case No. Z-60-23-2

Dear Mr. Easton,

We represent LGE Design / Build (LGE), the applicant in the above-referenced rezoning case. On behalf of our client, we are filing this application with the Planning Hearing Officer ("PHO") requesting stipulation modifications. A legislative edit of the stipulations is included with this application.

The subject property is located on the south side of Rose Garden Lane, approximately 375 feet east of 25th Place. Although the area has been heavily developed with industrial and commerce park uses, the subject property was for many years the home of Horses Help, a non-profit organization providing therapeutic treatment to children thru the use of horses. Thus, the property essentially functioned as a stable, with a thoroughly undeveloped, agricultural character.

When LGE began its entitlement effort on behalf of its client, Muscular Moving Men (MMM), LGE and MMM made the rational decision to perform limited due diligence on the site, pending the outcome of the rezoning effort. On February 7, 2024, the City Council approved the rezoning of the site from PUD to A-1, subject to 17 stipulations. LGE also made a separate commitment to its neighbor for additional landscaping that is not the subject of a stipulation, but which was included in the record before the City Council.

Following Council approval, LGE and MMM immediately moved into complete site preparation analysis and detailed site planning for the property. In the course of that effort, LGE and MMM learned two things. First, the site has a meaningful slope that is going to require a substantial amount of fill, as well replacement of the existing six foot wall with a structurally constructed eight foot wall, a replacement which was not anticipated at all. That has both a budgetary impact on the project, and also changes the impact of the site on its surroundings. The budgetary impact of the fill and the wall exceeds \$600,000.

Second, third party demands of costs widely exceeded some of LGE’s preliminary estimates. This includes the cost of re-routing some cell tower wiring, which is not the subject of a stipulation; the cost of the City’s Green Infrastructure facilities, which is the subject of Stipulation No. 11; and the undergrounding of power lines on Rose Garden Lane, which is the subject of Stipulation No. 14. These unexpected developments and added costs have made the project financially untenable, threatening redevelopment of this site to a use that is compatible with the surrounding community.

To assist the PHO in understanding the significance of these costs, LGE has developed the following table of adjusted costs.

Project Line Item	Original Projected Cost	Adjusted Cost	Cost Delta
Site Fill	\$60,000	\$407,100.00	\$347,100.00
Replace Existing 6’ Wall with 8” Structural Wall	N/A	\$260,582.00	\$260,582.00
Cell Tower Rewiring	\$25,000	\$66,832.26	\$41,832.26
Green Infrastructure (Bioswale and Pavers)	N/A	\$176,665.00	\$176,665.00
Power Line Undergrounding	\$80,000	\$155,000.00	\$75,000
Total	\$165,000	\$1,066,179.26	\$901,179.26

Stipulation Modification Requests:

To allow the proposed development of the subject property, we propose the modification of stipulations approved by Z-60-23-2 as follows:

1. The development shall be in general conformance with the site plan date stamped September 8, 2023, as modified by the following stipulations, and as approved by the Planning and Development Department.

Rationale: No change.

2. The development shall be in general conformance with the elevations date stamped November 15, 2023, as approved by the Planning and Development Department.

Rationale: No change.

3. The landscape setback along the north side of the property, adjacent to Rose Garden Lane, shall be planted with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees, planted 20 feet on center or in equivalent groupings, and drought-tolerant shrubs, accents,

and vegetative groundcovers to achieve a minimum of 75% live coverage, as approved by the Planning and Development Department.

Rationale: No change.

4. A minimum 5-foot-wide landscape strip shall be provided along the north, west, and south sides of the building, and shall be planted with ~~minimum 2-inch caliper, large canopy, drought tolerant, shade trees, planted 20 feet on center or in equivalent groupings, and drought tolerant shrubs, accents, and~~ vegetative groundcovers to achieve a minimum of 75% live coverage, as approved by the Planning and Development Department.

Rationale: We are asking the PHO to delete that portion of Stipulation No. 4 which calls for trees to be planted in the five-foot strip adjacent to the building. LGE remains willing to install groundcover. LGE would like to delete the trees at this particular location in an effort to recoup some of the unanticipated costs identified above, and also because the practical reality is that these trees are unlikely to survive in the five-foot area next to the building. Indeed, during LGE's pre-application meeting following the approval of the rezoning, City staff acknowledged that the survival of these trees was suspect. LGE remains willing to install and maintain the rest of the trees stipulated by the zoning approval, which are generally close to the perimeter and in the parking lot, and therefore more visible to the public.

5. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25% shade, as approved by Planning and Development Department.

Rationale: No change.

6. All pedestrian pathways, including sidewalks, shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade, as approved by the Planning and Development Department.

Rationale: No change.

7. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.

Rationale: No change.

8. Bicycle parking spaces shall be provided per the requirements of Section 1307.H of the Phoenix Zoning Ordinance through Inverted U and/or artistic racks located near the office and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance. Artistic

racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

Rationale: No change.

9. A minimum of 10% of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.

Rationale: No change.

10. A minimum of 5% of the required parking spaces shall include Electric Vehicle (EV) Installed Infrastructure, as approved by the Planning and Development Department.

Rationale: No change.

- ~~11. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.~~

Rationale: We are asking the PHO to delete Stipulation No. 11 in its entirety. This rezoning case was one of the earliest cases in which the City introduced its Green Infrastructure stipulation, and the City has assured the development community that the costs associated with this requirement would be nominal. That has in fact proven to be completely false, as indicated above. We are seeking the deletion of this stipulation because the City did not accurately represent its impact at the time the City introduced the request.

12. One outdoor employee resting area of no less than 400 square feet, or two 200-square foot areas shall be provided on site. Each required pedestrian area shall include a minimum of two pedestrian seating benches, constructed of quality and durable materials, and shaded to a minimum of 75% using minimum 2-inch caliper large canopy drought-tolerant shade trees and/or architectural shade, as approved by the Planning and Development Department.

Rationale: No change.

13. A minimum 5-foot-wide detached sidewalk separated by a minimum 8-foot-wide landscape strip located between the back of curb and sidewalk shall be constructed on the south side of Rose Garden Lane, adjacent to the development, planted to the following standards and as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant, shade trees, planted 20 feet on center or in equivalent groupings.
 - b. Drought-tolerant shrubs, accents, and vegetative groundcovers with a maximum mature height of two feet to achieve a minimum of 75% live coverage.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

Rationale: No change.

- ~~14. All existing overhead utilities within the public right of way shall be undergrounded, adjacent to the development. The developer shall coordinate with all affected utility companies for their review and permitting.~~

Rationale: We are also asking the City to delete Stipulation No.14 regarding the undergrounding of the power line on Rose Garden Lane. As indicated above, when the City proposed this stipulation, we had a general estimate based on past experience with APS that the cost of this stipulation would be \$80,000. Now, as indicated above, APS is requiring us to pay \$155,000, nearly double the reasonably anticipated amount. That level of increase is unwarranted and disproportionate. Rose Garden Lane is a street that serves an industrial community, dead-ending at the Canal. There are no residences and no members of the general public traveling thru this area. Thus, the aesthetic benefit of undergrounding is strictly limited. In addition, the undergrounding would only be in front of this property. The lines would remain above-ground on almost all of Rose Garden Lane. And as noted above, since most of the properties have been developed, the City's ability to lower the other sections of the line is extremely limited in the future. Given this context, the much higher cost is a disproportionate demand on this five-acre parcel.

15. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

Rationale: No change.

16. 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.

Rationale: No change.

17. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

Rationale: No change.

Finally, to ensure the record in this matter is complete, LGE wants to update the PHO and the City regarding its relationship with its neighbor to the east. Specifically, because of the slope and fill of our site, the increased height of our shared wall will be sufficient to prevent any view of our property from their property. Therefore, additional landscaping would serve no buffering purpose, and therefore need not be installed. Again, there is no stipulation relating to this issue, but we did want the City's record of the case to be clear.

We look forward to discussing our request with you at an upcoming hearing.

Sincerely,

GAMMAGE & BURNHAM

A handwritten signature in black ink, appearing to read 'S. Anderson', with a long horizontal stroke extending to the right.

By

Stephen W. Anderson



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

March 5, 2024

Stephen Anderson
Gammage & Burnham, PLC
40 North Central Avenue, 20th Floor
Phoenix, Arizona 85004

Dear Applicant:

RE: Z-60-23-2 – Approximately 375 feet east of the southeast corner of 25th Place and Rose Garden Lane

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 7, 2024, approved Zoning Ordinance # G-7223.

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

Sincerely,

A handwritten signature in blue ink that reads "Joshua Bednarek".

Joshua Bednarek
Planning and Development Director

Attachment: Signed Ordinance

c: Horses Help Inc., P.O. Box 71005, Phoenix, AZ 85050
Carlos Elias, LGE Design / Build, 1200 N. 52nd St., Phoenix, AZ 85008
Tricia Gomes, PDD–Planning–Deputy Director (Electronically)
Racelle Escolar, PDD–Planning–Principal Planner (Electronically)
Adrian Zambrano, PDD–Planning–Village Planner (Electronically)
Ben Kim, PDD–GIS (Electronically)

ORDINANCE G-7223

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-60-23-2) FROM PUD (PLANNED UNIT DEVELOPMENT) TO A-1 (LIGHT INDUSTRIAL DISTRICT).

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

follows:

SECTION 1. The zoning of a 5.02-acre property located approximately 375 feet east of the southeast corner of 25th Place and Rose Garden Lane in a portion of Section 23, Township 4 North, Range 3 East, as described more specifically in Exhibit "A," is hereby changed from "PUD" (Planned Unit Development), to "A-1" (Light Industrial District).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit "B."

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. The development shall be in general conformance with the site plan date stamped September 8, 2023, as modified by the following stipulations, and as approved by the Planning and Development Department.
2. The development shall be in general conformance with the elevations date stamped November 15, 2023, as approved by the Planning and Development Department.
3. The landscape setback along the north side of the property, adjacent to Rose Garden Lane, shall be planted with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees, planted 20 feet on center or in equivalent groupings, and drought-tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live coverage, as approved by the Planning and Development Department.

Mod

4. A minimum 5-foot-wide landscape strip shall be provided along the north, west, and south sides of the building, and shall be planted with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees, planted 20 feet on center or in equivalent groupings, and drought-tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live coverage, as approved by the Planning and Development Department.
5. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25% shade, as approved by Planning and Development Department.
6. All pedestrian pathways, including sidewalks, shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade, as approved by the Planning and Development Department.

7. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
8. Bicycle parking spaces shall be provided per the requirements of Section 1307.H of the Phoenix Zoning Ordinance through Inverted U and/or artistic racks located near the office and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
9. A minimum of 10% of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
10. A minimum of 5% of the required parking spaces shall include Electric Vehicle (EV) Installed Infrastructure, as approved by the Planning and Development Department.
- Del** **11.** A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.
12. One outdoor employee resting area of no less than 400 square feet, or two 200-square foot areas shall be provided on site. Each required pedestrian area shall include a minimum of two pedestrian seating benches, constructed of quality and durable materials, and shaded to a minimum of 75% using minimum 2-inch caliper large canopy drought-tolerant shade trees and/or architectural shade, as approved by the Planning and Development Department.
13. A minimum 5-foot-wide detached sidewalk separated by a minimum 8-foot-wide landscape strip located between the back of curb and sidewalk shall be constructed on the south side of Rose Garden Lane, adjacent to the development, planted to the following standards and as approved by the Planning and Development Department.

- a. Minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant, shade trees, planted 20 feet on center or in equivalent groupings.
- b. Drought-tolerant shrubs, accents, and vegetative groundcovers with a maximum mature height of two feet to achieve a minimum of 75% live coverage.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

Del

- ~~14.~~ All existing overhead utilities within the public right-of-way shall be undergrounded, adjacent to the development. The developer shall coordinate with all affected utility companies for their review and permitting.
15. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
16. 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.
17. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

SECTION 4. 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 7th day of February,

2024.

Kate G...

MAYOR

2/8/24

Date

ATTEST:

Denise Archibald

Denise Archibald, City Clerk



APPROVED AS TO FORM:
Julie M. Kriegh, City Attorney

By: Paul Li

Paul Li, Assistant Chief Counsel

REVIEWED BY:

Jeffrey Barton

Jeffrey Barton, City Manager

PML:ac:(LF24-0026):2-7-24:2416789_1.doc

Exhibits:

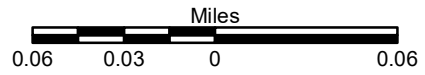
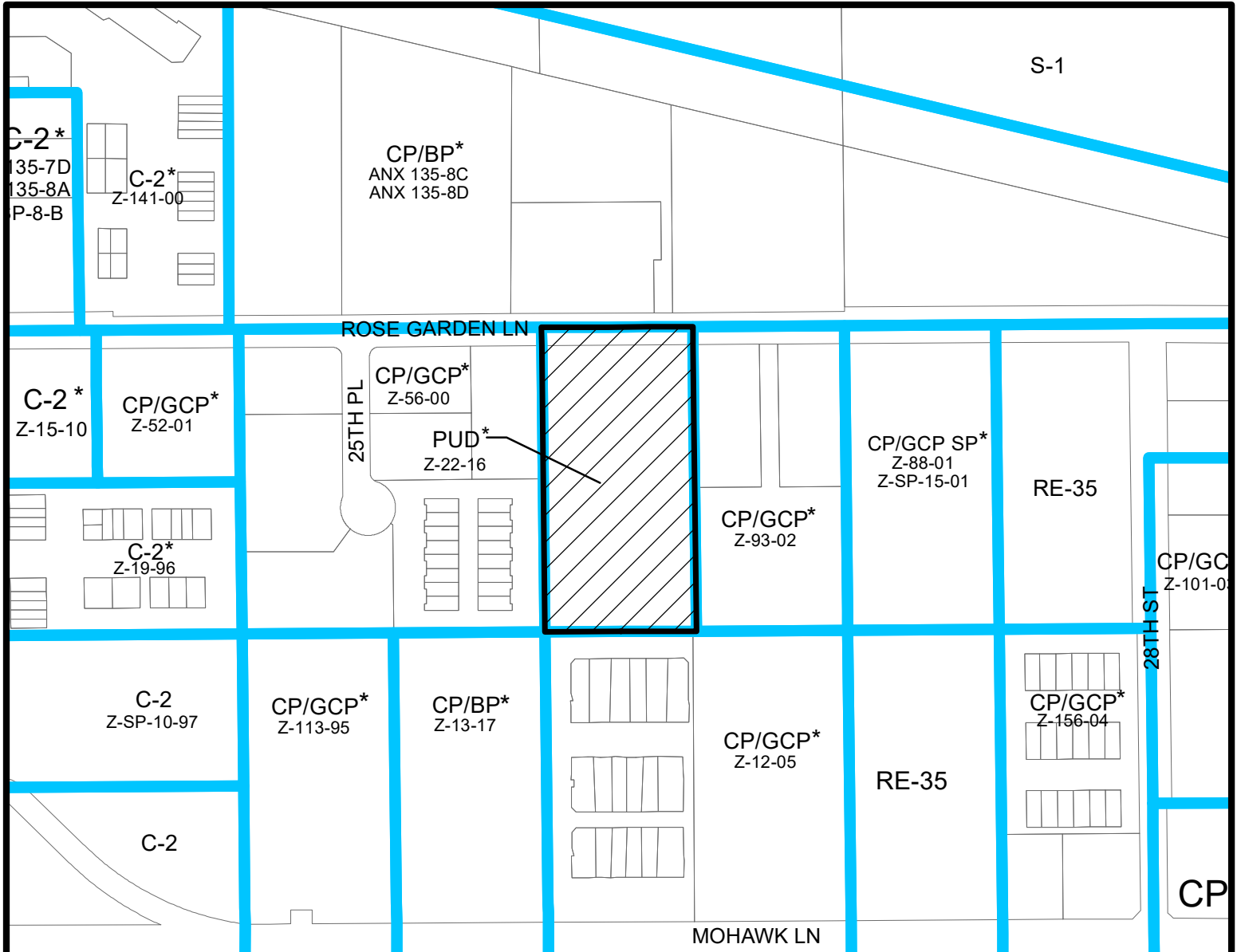
- A – Legal Description (1 Page)
- B – Ordinance Location Map (1 Page)

EXHIBIT A

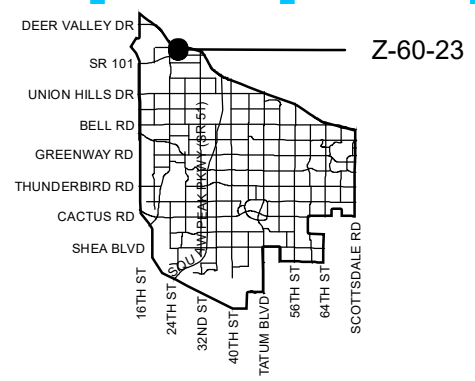
LEGAL DESCRIPTION FOR Z-60-23-2

A PARCEL OF LAND SITUATED IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 4 NORTH, RANGE 3 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA. SAID PARCEL ALSO BEING A PORTION OF THAT CERTAIN PROPERTY AS DESCRIBED IN DOCUMENT 1999-0040550 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

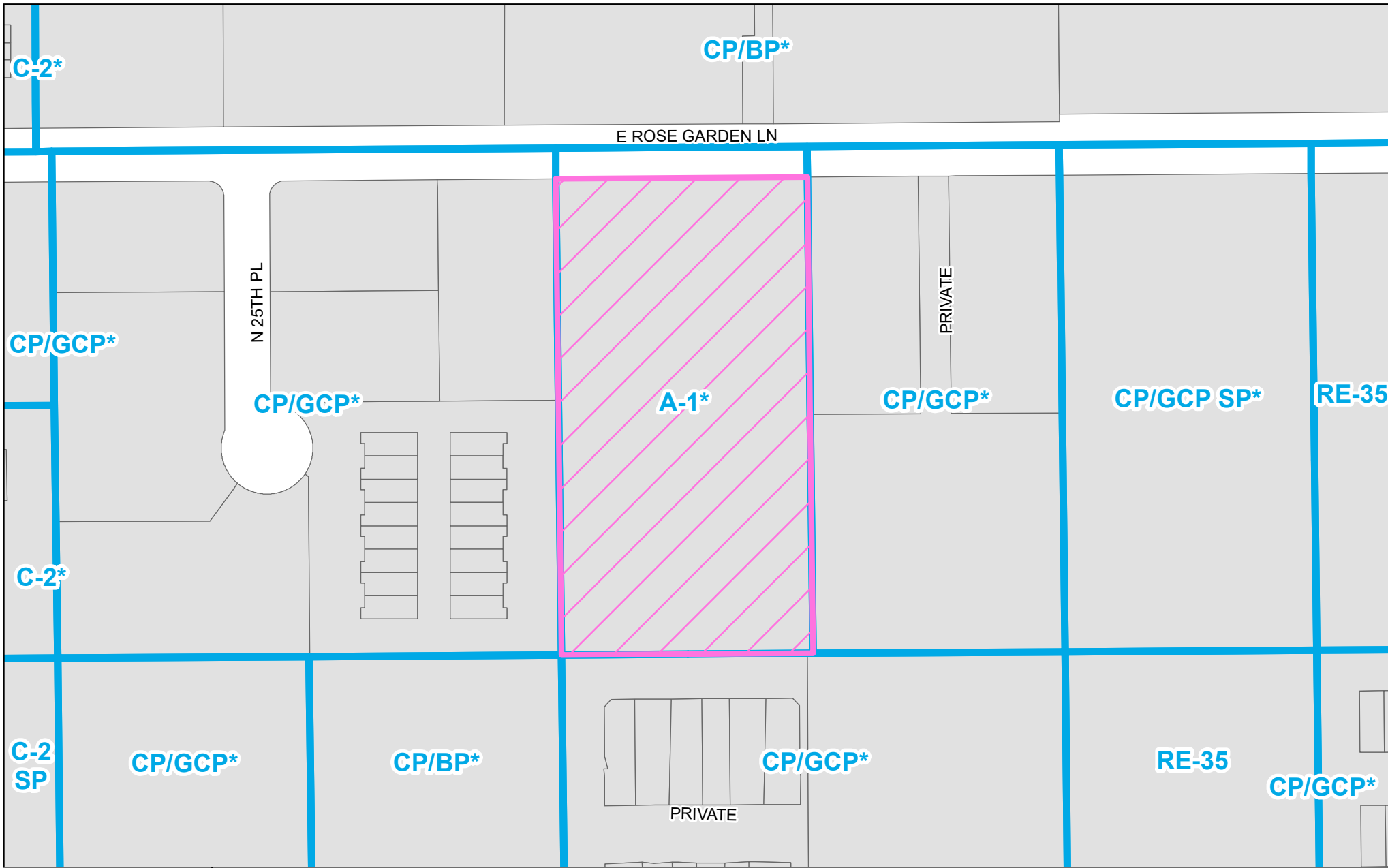
LOT 14 MOHAWK PARK, ACCORDING TO BOOK 58 OF MAPS, PAGE 48, RECORDS OF MARICOPA COUNTY, ARIZONA.



PARADISE VALLEY VILLAGE
CITY COUNCIL DISTRICT: 2

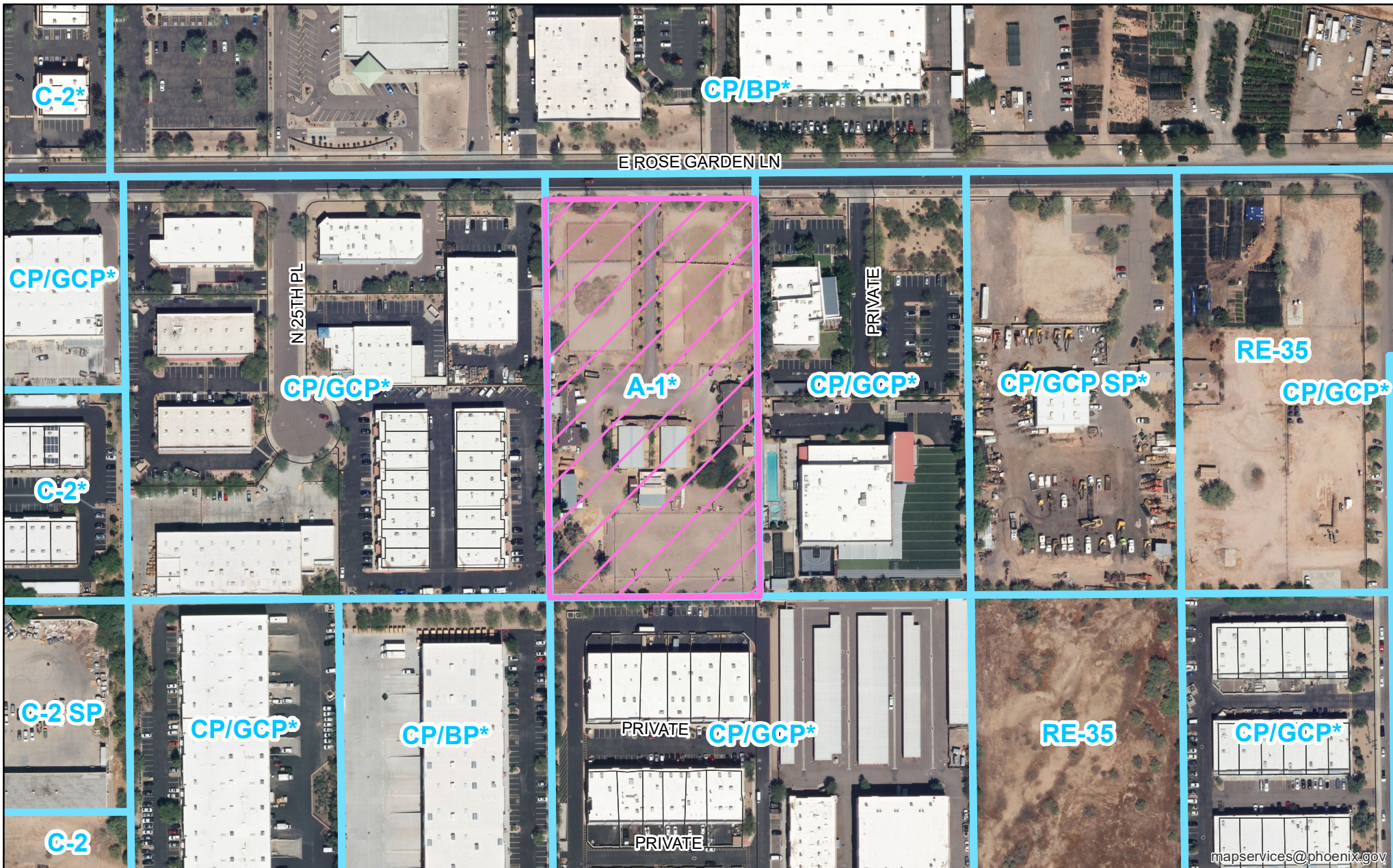


APPLICANT'S NAME: LGE Desgin / Build c/o Carlos Elias		REQUESTED CHANGE:	
APPLICATION NO. Z-60-23		FROM: PUD (5.02 a.c.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> 5.02 Acres		TO: A-1 (5.02 a.c.)	
<small>DATE:</small> 9/29/2023 <small>REVISION DATES:</small>		<small>10/23/2023</small>	
<small>AERIAL PHOTO & QUARTER SEC. NO.</small> QS 41-33		<small>ZONING MAP</small> N-9	
MULTIPLES PERMITTED PUD A-1		CONVENTIONAL OPTION 8 N/A	
* UNITS P.R.D. OPTION N/A N/A			
* Maximum Units Allowed with P.R.D. Bonus			



PHO-1-24--Z-60-23-2

Property Location: Approximately 375 feet east of the southeast corner of 25th Place and Rose Garden Lane



PHO-1-24--Z-60-23-2

Property Location: Approximately 375 feet east of the southeast corner of 25th Place and Rose Garden Lane



CITY OF PHOENIX
 SEP 08 2023
 Planning & Development
 Department

MUSCULAR MOVING MEN

BUILDING AREA: 68,496 S.F.
 SITE AREA: +/- 205,310 S.F. (4.71 AC.)
 LOT COVERAGE: 31.9%, F.A.R.: 0.33
 CURRENT ZONING: PUD
 PROPOSED ZONING: A-1

REQUIRED PARKING:
 OFFICE: 6,000 S.F./300 = 20 SPACES
 WAREHOUSE: 62,496 S.F./1000 = 63 SPACES
 83 TOTAL PARKING SPACES REQUIRED

PROVIDED PARKING:
 96 SPACES
 1.40 CARS/1000

Muscular Moving Men - 2601 Rose Garden

Muscular Moving Men

Phoenix, Arizona
 2023 . 08 . 14

LGE DESIGNBUILD

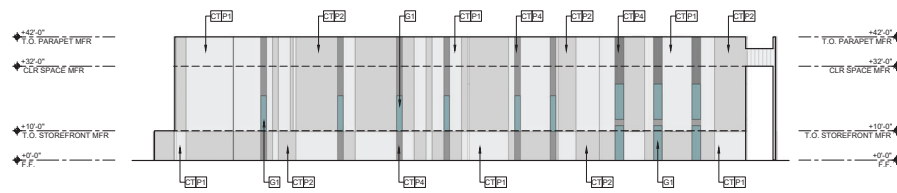
CONCEPTUAL SITE PLAN

1"=40'-0"



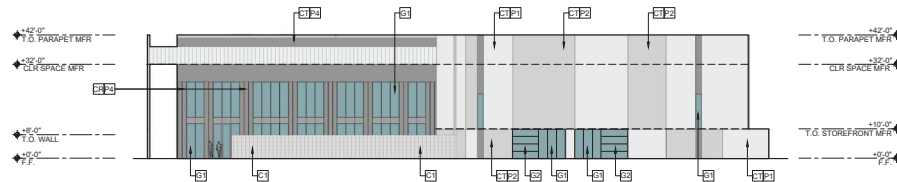
CREATION REPE

THIS ARTIST RENDERING IS FOR CONCEPTUAL DESIGN ONLY, WAS DONE WITHOUT BENEFIT OF A SURVEY AND SHOULD NOT BE REFERRED TO AS A CONSTRUCTION DOCUMENT. THESE DRAWINGS ARE AN INSTRUMENT OF SERVICE AND THE PROPERTY OF LGE DESIGN GROUP AND LGE DESIGN BUILD AND SHALL REMAIN THEIR PROPERTY. THE USE OF THIS DRAWING SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH IT WAS PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH.



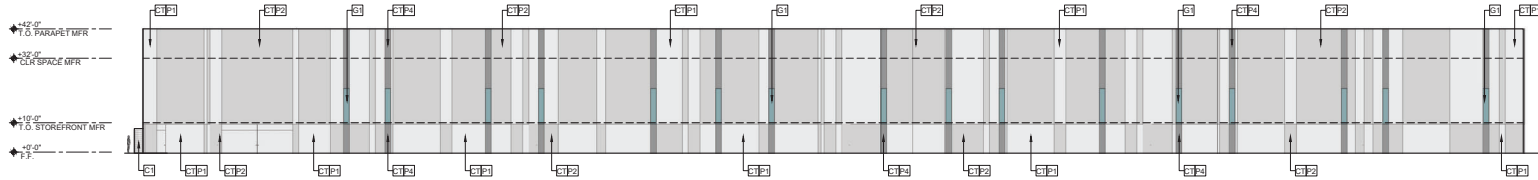
SOUTH ELEVATION

SCALE: 1" = 20'-0"



NORTH ELEVATION

SCALE: 1" = 20'-0"



WEST ELEVATION

SCALE: 1" = 20'-0"



EAST ELEVATION

SCALE: 1" = 20'-0"

MATERIAL/FINISH SCHEDULE:

KEY:	DESCRIPTION:
EXTERIOR WALLS:	
E1	TRENDSTONE GROUND FACE CMU WALL INTEGRAL COLOR: RUTHERFORD GRAY
E2	CONCRETE TILT PANEL W/ VERTICAL 1/2" X 1/2" DEEP REVEALS & 1/2" V" SCORE LINES - PAINTED.
E3	CONCRETE TILT PANEL W/ T.O.C. VERTICAL 1/2" X 1/2" DEEP REVEALS - PAINTED.

GLAZING KEY:

MATERIAL:	DESCRIPTION:
FRAMES: ALUMINUM STOREFRONT - 4 1/2" (SEALANT JOINT VERTS) BLACK ANODIZED (AB-8)	
EXTERIOR GLAZING	
G1	SOLARBAN 60 1" INSULATED GLAZING LOWE SOLARGRAY
G2	GARAGE DOOR GLAZING

PAINT KEY:

KEY:	DESCRIPTION:
P1	DUNN EDWARDS (LIGHT GRAY I) "COLD MORNING" # DE6365 (LRV 73)
P2	DUNN EDWARDS (LIGHT GRAY II) "COVERED IN PLATINUM" # DE6367 (LRV 66)
P3	DUNN EDWARDS (DARK GRAY I) "WALRUS" # DE6368 (LRV 51)
P4	DUNN EDWARDS (DARK GRAY I) "BOAT ANCHOR" # DE6377 (LRV 14)

IGB DESIGNGROUP
1200 N. 52nd Street • Phoenix, AZ • 85008
P. 480.986.4001

2601 E. ROSE GARDEN LANE
2601 E. ROSE GARDEN LANE
PHOENIX, AZ 85060

IGB DESIGNBUILD
NUMBER REVISION DATE

CITY OF PHOENIX
NOV 15 2023
Planning & Development
Department

ISSUE TITLE
EXTERIOR ELEVATIONS
ISSUE DATE: 01/10/24
DRAWN BY:
CHECKED BY: B.M.
PROJECT No.:
ISSUE:
A4.1.1
PRE-APP SUBMITTAL - 01/10/24

Proposal: Light Industrial

Owner: DVHAWK15, LLC

Applicant: Hawkeye Development, LLC

Representative: Clark Diepholz

Staff Recommendation: Denial as filed, approval of CP/GCP, subject to stipulations.

VPC Action: The Deer Valley Village Planning Committee heard this case on Dec. 14, 2023, and recommended approval, subject to staff stipulations, with a deletion, by a vote of 9-0.

PC Action: The Planning Commission heard this case on Jan. 4, 2024, and recommended approval, per the Deer Valley Village Planning Committee recommendation, by a vote of 7-0.

Location

Approximately 1,500 feet east of the northeast corner of 19th Avenue and the Alameda Road alignment

Council District: 1

Parcel Address: N/A

This item was adopted.

**80 Amend City Code - Ordinance Adoption - Rezoning Application
Z-60-23-2 - Approximately 375 Feet East of the Southeast Corner of
25th Place and Rose Garden Lane (Ordinance G-7223)**

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-60-23-2 and rezone the site from PUD (Planned Unit Development) to A-1 (Light Industrial District) to allow warehousing and an office building.

Summary

Current Zoning: PUD

Proposed Zoning: A-1

Acreage: 5.02

Proposal: Warehousing and an office building

Owner: Horses Help Inc.

Applicant: Carlos Elias, LGE Design / Build

Representative: Stephen Anderson, Gammage and Burnham, PLC

Staff Recommendation: Approval, subject to stipulations.

VPC Action: The Paradise Valley Village Planning Committee was scheduled to hear this case on Dec. 4, 2023, for recommendation; however, there was no quorum.

PC Action: The Planning Commission heard this case on Jan. 4, 2024, and recommended approval, per the staff recommendation, by a vote of 5-2.

Location

Approximately 375 feet east of the southeast corner of 25th Place and Rose Garden Lane

Council District: 2

Parcel Address: 2601 and 2615 E. Rose Garden Lane

This item was adopted.

81 Amend City Code - Ordinance Adoption - Rezoning Application Z-61-23-2 (The Villas of Cave Creek Senior Living PUD) - Northwest Corner of 53rd Street and Dynamite Boulevard (Ordinance G-7222)

Request to amend the Phoenix Zoning Ordinance, Section 601, the Zoning Map of the City of Phoenix, by adopting Rezoning Application Z-61-23-2 and rezone the site from R1-10 (Single-Family Residence District) to PUD (Planned Unit Development) to allow senior housing.

Summary

Current Zoning: R1-10

Proposed Zoning: PUD

Acreage: 4.35

Proposal: Senior housing

Owner: George F Rivera Trust

Applicant: Learsi Capital Group, LLC

Representative: Heather Personne, Evolve Ventures, LLC

Staff Recommendation: Approval, subject to stipulations.

VPC Info: The Desert View Village Planning Committee heard this case on Oct. 3, 2023, for information only.

VPC Action: The Desert View Village Planning Committee was

13. **Application #:** Z-60-23-2
From: PUD
To: A-1
Acreage: 5.02
Location: Approximately 375 feet east of the southeast corner of 25th Place and Rose Garden Lane
Proposal: Warehousing and office building
Applicant: Carlos Elias, LGE Design/Build
Owner: Horses Help Inc.
Representative: Stephen Anderson, Gammage and Burnham, PLC

Ms. Racelle Escolar stated that Item No. 13 is Z-60-23-2 a request to rezone 5.02 acres at approximately 375 feet east of the southeast corner of 25th Place and Rose Garden Lane from PUD (Horses Help Planned Unit Development) to A-1 (Light Industrial District) to allow warehousing and office.

The Paradise Valley Village Planning Committee was scheduled to hear the request, however there was no quorum.

Staff recommends approval, subject to the stipulations in the Staff Report.

Chairman Gaynor called on the applicant, Mr. Stephen Anderson.

Mr. Anderson stated that everyone behind him in the audience is part of the project team. He asked to speak for seven minutes. He stated that he was speaking on behalf of LGE Design/Build and Muscular Moving Men. His attorney and planner were present, as well as Mr. Justin Hodge, who is the president of Muscular Moving Men, and Josh Rogers from LGE Design/Build. This is a proposal to rezone a five-acre site from PUD to A-1 Light Industrial. This is the former Horses Help site. Muscular Moving men wants to relocate its existing office from 2950 East Mohawk Lane. Currently, Muscular Moving Men leases their business location and would prefer to own their own building, so that they can solidify their existing investment in the neighborhood. If the sale is completed, Horses Help will be able to close on their new, larger more equestrian site that is up in the Cave Creek area. The first question is why Industrial zoning and not Commerce Park for this proposal. It is an easy question to state, but the answer comes in a few parts. He started with talking about the General Plan. The General Plan does have a Commerce Park designation on it. That is not what this property is designated for. This property has designated this entire area north of the 101 Freeway and east of Cave Creek Road expressly for industrial development. The industrial designation allows both Industrial zoning, A-1 and A-2, and Commerce Park zoning. It does not limit an applicant to Commerce Park zoning, nor does it limit outdoor uses. To the contrary, in 2009, the City Council adopted definitions of both Commerce Park and Industrial uses in the General Plan. The Council specifically notes that Industrial uses are noisy. The General Plan's Industrial designation for this area has been this way for years, as has been remarked earlier this evening in another case.

Mr. Anderson displayed the 2002 General Plan land use map which shows that this property was designated Industrial. The 2015 General Plan Update was the Phoenix General Plan approved by the voters, and it maintained the Industrial designation for this area. That is the designation of the property today. Their proposal for A-1 zoning is completely consistent with the General Plan designation for the property and will bring the zoning of the property from a zoning designation it has today, and a land use it has today that does not correspond to the General Plan, into a zoning designation and land use that fully corresponds to the General Plan.

Mr. Anderson pivoted from the General Plan to address the zoning itself. He stated that the site is currently subject to the Horses Help Planned Unit Development (PUD). Horses Help has occupied the site since 1998, originally doing so with a special permit. As an aerial photo showed, 1998 was right around the time that the Loop 101 was getting underway and was being built and open. The area was still very agricultural and vacant in nature, at the time. But, by 2005, the transformation of this area into its current condition, as a primarily warehouse district was well underway.

Mr. Anderson stated that by 2009, when the swimming pool was built, the area was dominated by warehouses and other similar businesses. In 2019, Horses Help switched from a Special Permit to a PUD, but regardless, Horses Help continued doing their important work, with the zoning that was not compatible with the Industrial General Plan designation for the property. Now, Muscular Moving Men wishes to relocate within the neighborhood and seeks A-1 zoning to do so. The only reason they are seeking A-1 zoning is because they have to. Muscular Moving Men is as the name indicates, a moving company. Under the City's Zoning Ordinance, moving companies are not allowed in the Commerce Park District. They are only allowed in the A-1 zone. As he previously noted, Muscular Moving Men is already located on one of those A-1 sites in this neighborhood. In fact, there are several other businesses with very intense truck and outdoor activities today, including:

- The Shiya Strepans General Contracting Yard – an old-fashioned almost completely outdoor wholly unimproved construction yard.
- Paradise Valley Bus Yard – sends its entire fleet up and down Rose Garden Lane, daily.
- Boulder Hills Post Office – to the northwest of all the properties with custom activity in the front and truck activity on the east and backside of the building.
- Dose Moving and Storage – to the southwest of the subject property, with layout like the proposed property.
- The French Quarry – located at the entry to the neighborhood near Cave Creek Road, with customers in front and rock products being managed in the back, and outside storage.

Mr. Anderson stated that muscular Moving Men is entirely consistent with if not better than this existing pattern of development in the community. When LG Design/Build sat down to develop a plan for the project, they decided to see if they could do so using Commerce Park standards. Their site plan meets all the City's Commerce Park development standards, including setbacks and height. Even with their outdoor activities, they fully meet the Commerce Park development standards. Thus, if they choose to stipulate them to site plan conformance, as staff has suggested, the Commission would be incorporating those standards right into the case. He encouraged them to compare their site plan to the construction yard on the east side of the main opponent's eastern perimeter. He thinks they will agree that his property is a significant upgrade.

Mr. Anderson stated he would discuss the posture of the case. He began by saying that staff is recommending approval of the request, subject to 17 stipulations. As staff has already reported, they do not have a Village recommendation, because the Village did not have a quorum. He turned to the community interest in the case, next.

Mr. Anderson stated that there has been almost no community interest in the case. On September 15th, they did their neighborhood mailing. They received no calls. That first letter expressly indicates that they have used Commerce Park development standards to ensure compatibility. He asked the Chairman for one more minute to speak.

Chairman Gaynor responded, yes.

Mr. Anderson stated that on October 2nd, they held a community meeting. No one attended their community meeting. On November 13th, they did a second mailing. No one called. On November 16th, they posted the site, no one called. On November 30th, four days prior to their Village hearing, they received a call from a representative of their neighbor to the east. Both owners to their east received notices of their community meetings and their mailings but had not attempted to contact them prior to that time. That new-found representative asked them if they were to reverse their site plan, and they declined for multiple reasons, that he would be happy to detail. They did offer, however, to increase the height of their fence, adjacent to the swimming pool, and that proposal has been declined by the opponents. At the actual Village Planning Committee meeting, one of the neighbors did show up. He indicated that he represented a property to the east. They confirmed his lack of interest in the increased fence height. On December 14th, three months to the day, from their first mailing, they heard from Mr. Beatty, who is the owner of the swimming pool immediately east of the site, indicating his objection to their proposal. The City sent them Mr. Beatty's letter on December 18th. There are some items in that letter he wished to address. He stated that the letter suggests the area is subject to a Commerce Park Overlay; it is not. The letter indicates that they had no idea industrial uses were allowed in the area. As he indicated, industrial is the long-standing General Plan designation for the property. The letter disregards their commitment to Commerce Park development standards which as he indicated

before is expressly mentioned in both of their neighbor mailings. The letter inaccurately describes their proposal as Heavy Industrial. It is clearly A-1 Light Industrial. He called Mr. Beatty on December 19th, he did not have the chance to call him back, so he called him again on January 2nd, which was the first time he had the chance to speak with him.

Mr. Anderson concluded that their zoning brings the zoning and land use into conformity with the General Plan's Industrial designation. It does so using Commerce Park development standards, and it is subject to 17 staff stipulations. He thanked the Commission.

Chairman Gaynor asked for questions.

Vice-Chairperson Busching asked Mr. Anderson if he could repeat why it is not possible for his applicant to reverse the site so that the entrance and exit is on the other side.

Mr. Anderson explained that there are three reasons why they are reluctant to reverse the site plan. 1) If they were to reverse the traffic patterns as suggested or triggered by a reversal of the plan, they will create a cross-access movement out on Rose Garden Lane. In the current site plan, the inbound trucks and the outbound trucks do not cross each other's paths. If they flip their plan, then the inbound and the outbound trucks will by necessity have to cross each other's paths. They are a little concerned about the safety impact. 2) They intentionally designed the site for doing outdoor work and it is hard work. They do not have a swimming pool. This is heavy stuff they are doing. They wanted to maximize the shade opportunities. By doing the site plan this way, the building provides summer shade in the afternoon for the workers who are outside in the truck areas of the site. They intentionally approach the site seeking that solar advantage on the property. 3) The third and primary reason is they have an existing cell tower on the property. This property is a rectangular shape, however, there is an existing cell tower that encroaches into the west side of the property. If they were to flip the site, that cell tower would be sitting right in the middle of the truck maneuvering area. It would make truck maneuvering very difficult to do.

Vice-Chairperson Busching asked him how many trucks would be going in and out daily that would be facing that issue of cross traffic.

Mr. Anderson responded that the good news about that is something that would not happen very often. The way the Muscular Moving business operates is very similar to the way the Paradise Valley Bus Yard works. Their trucks are parked overnight at the site. Then, they go out in the morning. Their goal is to have all the trucks out by 7:30 a.m. Then, they are out in the field. They return over the course of the day. This cross-access movement would not happen very often, they hope. It is not their major concern. The cell tower is their major concern.

Chairman Gaynor asked if there were further questions for Mr. Anderson. There were none. He called on the first opposition speaker. He gave him 4.5 minutes.

Mr. Jim Beatty stated that he is the owner of the swimming pool. Attached to the swimming pool is a five-acre campus that their tenant, EXOS, an athletic training facility, has used for more than 10 years. He has been in that area for many years. He developed that property over 20 years ago. He also developed the five-acre parcel directly to the south. He developed the five-acre parcel that is directly adjacent into the south of the applicant's proposed property. He has over 30 million dollars of investment in that area, and he was confident at the time when he decided to invest in that area, that they would not be up against a non-compatible use, such as this one. The compatibility issue was stressed way back when the Planning and Development Department in the City of Phoenix helped them through the process. They stressed to him he had to be compatible with what is next door. So, over the years, he learned the basics. Is what we are proposing allowed in the area? Does the Zoning Ordinance support it, and is it compatible with the neighbors? He strongly believes that in the case of the applicant, he has failed in both cases. He stated that A-1 zoning is not allowed and has not been allowed in that area. There is no other A-1 zoning. It has always been Commerce Park/General Business Park, from day one. He developed the storage facility that at the time was the largest one in Arizona. So, they are very familiar with that area. Looking at both of those, he asked are they allowed to do what they are proposing? He stated that they have failed Section 626 of the City's Zoning Ordinance for all adjacent properties, which should include that, based on compatibility. Warehousing is allowed, but specifically, it is mentioning trucking companies and moving storage companies are not allowed. The reason why is because they are not compatible. Regarding the swimming pool. He asked, what does Athletes Performance do? The guys that have been there for 10 years. They put 2.5 million dollars into that building after he built the building for over 10 million. He asked, what do they do? They train professional athletes. Where do they rehabilitate them? In the swimming pool, the cold plunge pool, and the spa. That is within 12 feet of something that is not so great. He could not imagine sitting in a swimming pool or spa rehabilitating and getting the smells and sounds of diesel-fueled 18 wheelers moving and storing things all day long. This is a problem, because tenants tend to move away when they are non-compatible, such as the one proposed next door. It is dramatically non-compatible. Property values are hammered. One by one the community starts to go south, and we end up waking up one day and seeing something that is totally not what the City had planned. He thinks that this is an easy case. This proposed use is not allowed, it is not compatible for a good reason, and it should not be granted. He thinks the good news is, moving and storage companies should have a good location. It looks like a beautiful one, but how great would it be to have the most beautiful hazardous dump site next to your home. The quality of the building has nothing to do with the use issue. There are lots of places, he thinks they can go in Phoenix. That is where he thinks they should go, somewhere where it is already zoned appropriately.

Chairman Gaynor called on the second opposition speaker and gave him 4.5 minutes to speak.

Mr. Harry Curtain stated that he is an entrepreneur, business owner, and part of the Development Advisory Board, as well. He is a partner of Mr. Beatty. He is aware of the property in the area. They have been looking for opportunities to develop that area even further, Business Park theme, which it is today. Mr. Beatty heavily invested in a beautiful 30-million-dollar facility. It is something that can carry that community for a long time. The decision is what they want to do with that. For them, they are partnered in a semi-conductor business. They want to expand that in this area. They would not be able to do this if this changes. The investment would go away. He certainly does not want someone to lose an opportunity. He wants businesses to grow, but EXOS is a world-renowned training facility. Athletes from all over the world come there, local athletes, professional athletes. It has been very important to the community. The swimming pool is for Olympic athletes. They certainly want the applicant to do well, but the area is not appropriate, and certainly the investments that have been made in the surrounding areas are not appropriate and would be out of line. There was no quorum at the Village. He requested that they at least give the Village the opportunity to review it properly and do a proper vote.

Chairman Gaynor asked if there were any questions for opposition speakers.

Commissioner Boyd stated that when he grew up in this area, he did not know anything about zoning. It always felt very industrial to him, where you would watch the buses and trucks come in. He asked how Mr. Beatty how his understanding was different than that.

Mr. Beatty responded that it is really a use issue. The use that they have next door and the uses in the surrounding area are not aligned with the use of a moving and storage company. This might be a question for the City of Phoenix Planning and Development Department. He asked why that is stipulated as something that is specifically not allowed in the Commerce Park/General Business Park zoning. He thinks it is obvious. There is too much traffic and noise. Diesel trucks are running all day long. That is not compatible with what is happening next door. Regarding the industrial, he does not know if that area has ever been industrial. He does not believe it has. It has been an area in transition for 20 years. There are still nurseries there and Horses Help there. As those go out, he asked, is it not our job to make sure there are compatible things going in? He thinks that they have to make it at least as good as it already is or better, not worse. Once it is worse, you start going backwards and never come back from that.

Commissioner Hu asked Ms. Escobar if she is aware, as presented by the applicant Mr. Anderson, if there are other similar uses in this area and if they are in conformance with the land use, or if there are records of violations and non-conformance. She wondered if there is any history around this area.

Ms. Escobar responded that she could not speak on whether specific sites are in conformance, but what she could say was they do see a lot of Commerce Park sites designed very similarly to how this site is being proposed, with a large warehouse building, loading bays. That is very typical of their Commerce Park development, as well. She stated that if you look at the aerial map, there are some to the south of this site, along the 101 Freeway.

Chairman Gaynor had a question for Mr. Anderson and the owners. He asked them to tell him a little bit about when the vehicles are stopped in the facility, and if they are required per policy to turn those vehicles off, so that they are not running the diesel fuel and gas is amuck.

Mr. Anderson responded that Muscular Muscle Man does not need to operate the vehicles when they are parked. There is no refrigeration involved here. The loads are typically furniture. So, there is no need to have the trucks idling. As they observed, it would be inefficient to do so. To remind members of the Commission, the president of Muscular Moving Men was present to speak, if they wanted to hear from him directly.

Chairman Gaynor stated yes, to have him come up and speak.

Mr. Justin Hodge stated that they do not need to run their vehicles when they are parked at the facility. He also pointed out that they are all brand new diesel trucks. Most of them are leased trucks through Enterprise or Penske. They come with a maintenance program. These are not old dirty, almost out-of-commission vehicles. These are as nice as they get in the fleet.

Chairman Gaynor asked him to talk about the traffic they expect in and out of that facility. He also asked what the busy times are. He is assuming that they are not going to be running 24-hours per day. He asked Mr. Hodge to share more information.

Mr. Hodge stated that as Mr. Anderson pointed out, they reside on Mohawk Road. On a daily basis, they already navigate through that area frequently. There really will not be much of a difference, as it is, in terms of the traffic where they are, the neighbors they drive by. It will be the same trucks. They will just park next to them as opposed to the next street over. For the most part, they are out in the morning by 7:00 a.m. and return at around 5:00 p.m.

Chairman Gaynor asked as it relates to noise and increase in contamination, he confirmed with Mr. Hodge that there is already traffic through there. He asked if there would be an increase in traffic.

Mr. Hodge responded, no. They do not foresee an increase in traffic. They do not use 28th Street, as it is. They go up and down 32nd Street, Mohawk and Rose Garden Street. There will be no change to their traffic pattern.

Chairman Gaynor wanted to be very clear on how it is affecting the neighborhood. He asked, as it relates to being right next to this pool area, the business which he is familiar with, he asked how they are shielding the noise, the trucks, and the activity from this sports complex pool area.

Mr. Hodge stated that they do not foresee a lot of noise taking place. The current tenant that is there has horses and dust and all those kinds of things. In terms of the trucks, to his knowledge, they are the only moving company that has a fleet and safety director on staff. These trucks are serviced constantly, within the guidelines and regulations. They are almost all brand-new vehicles. The larger semis that are diesel fueled are on the road doing cross-country moves. They do not show up very much, if at all. There are a lot of smaller vehicles that go out and do marketing, and packing supply deliveries, things like that. They do not think they are that close to the wall either. Where they currently operate on the next street over, they do not have any complaints whatsoever from any neighbors.

Chairman Gaynor thanked Mr. Hodges for his information.

Commissioner Hu had another question for the applicant or owner. She asked him to explain the reason for not having any landscaping on the east side of the subject lot, as that appears to be the most intense side against the swimming pool. She asked if there was any design consideration that could mitigate the noise or additional impact to the property to their east.

Mr. Anderson displayed the site plan for the Commissioners. He showed their truck maneuvering area on the east side of their site. He stated, as Ms. Escobar had already noted in response to an earlier question, this is a very typical design for a Commerce Park project. As he noted before, they have designed to Commerce Park standards. In this particular area, on a side yard setback, a Commerce Park district does not require a landscaping setback. They are maximizing their maneuvering space for vehicles, so they do not have the ability to add landscaping in that portion of the site, because it is the maneuvering area of the site. They already talked about why they located it here on the site. He reminded the members of the Commission that the applicant did offer to increase the height of their wall, which they are certainly happy to do. That is something that so far has not indicated interest. If the Commission sees fit to instruct them to do that via stipulation, that is something that they have already indicated publicly they are certainly willing to do. He noted that it is hard to see in the photo that the pool, on the other side of the wall, is built in the same exact nature as they are proposing to develop their site, which is to say that there is no landscaping adjacent to that pool. They have no landscaping on their side of the property line, either. As they indicated before, it is perfectly okay in the Commerce Park zone. They are not required to landscape that use. He is presuming that they did not put any trees adjacent to the pool because they probably do not want to be cleaning leaves out of their pool. They are left in quandary about why it is okay for one Commerce Park development standard site on the east side of the property line to not have any landscaping, but the

one on the west side is being asked to compromise their operational concerns to benefit them. In that regard, he noted, although it was a little unorthodox, if it would be of interest, they would be willing to install landscaping on the east side of the wall, on their property. There is room to do that, but again, it is presumptuous in the sense that he presumes they have a maintenance concern, and they would not want to do that. However, it is something that they would be willing to do. More importantly, raising the wall would be the traditional thing that one would do to provide a buffer.

Chairman Gaynor asked if it would be at the applicant's cost.

Mr. Anderson responded, correct.

Chairman Gaynor asked if that discussion has already happened with the property owner.

Mr. Anderson responded that the specific idea he just mentioned is something he just thought up late yesterday afternoon. Unfortunately, because of the late engagement it is not something that they have had a chance to discuss with the owner. He has no idea whether Mr. Beatty would think that is acceptable. Regarding the idea of raising the wall, Mr. Beatty has expressed his concern. He shared earlier this evening that he believes EXOS is simply going to leave because of the presence of the trucks. That was his understanding. That is why raising the wall is not something that would be helpful. He thinks it would be, but obviously, Mr. Beatty is entitled to his view.

Chairman Gaynor stated that he was torn. He would leave it up to his fellow commissioners.

Vice-Chairperson Busching stated that Chairman Gaynor's point was well taken. Why did they not just work this out? Since this is a case where the Paradise Village Planning Committee has not weighed in, she would be in favor of sending it back to the Village for a recommendation. That would give the applicant and the opponent time to come up with something that works for both parties.

Commissioner Hu commented that based on the land use in the area here and what is presented today, the current lot, the horse use, would not be in conformance to what is being proposed today. She is more interested in supporting the request to move forward.

Commissioner Jaramillo stated that considering the construction company next door and looking at the site plan, being familiar with the site, the light industrial use and the idea that fumes from diesel trucks to the west would affect them but the diesel fumes from tractors, trailers, and buses in the area and sites a couple hundred yards away would have zero effect. He finds that a little difficult to believe. He was inclined to support moving forward.

Chairman Gaynor stated that he agreed with Commissioners Hu and Jaramillo. He thinks that when a Village does not meet and the Planning Commission is presented with a case like this, the Planning Commission needs to make a decision and send it to Council. If Council feels like it does not fit the City's plan for the district, then they can remand the case back. He was in support.

Commissioner Boyd stated that he was still debating. He sees the opponent's concerns about the evolution and maybe not being fully industrial. It is challenging. He can see the projects having developed more in a Commerce Park environment, but he also thought this was Industrial until he learned what Commerce Park was.

Chairman Gaynor entertained a motion.

Commissioner Gorraiz made a MOTION to approve Z-60-23-2, per the staff recommendation.

Commissioner Jaramillo SECONDED.

A roll call was requested.

There being no further discussion, Chairman Gaynor called for a vote and the MOTION Passed 5-2 (Busching, Perez) (Absent: Mangum).

Stipulations:

1. The development shall be in general conformance with the site plan date stamped September 8, 2023, as modified by the following stipulations, and as approved by the Planning and Development Department.
2. The development shall be in general conformance with the elevations date stamped November 15, 2023, as approved by the Planning and Development Department.
3. The landscape setback along the north side of the property, adjacent to Rose Garden Lane, shall be planted with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees, planted 20 feet on center or in equivalent groupings, and drought-tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live coverage, as approved by the Planning and Development Department.
4. A minimum 5-foot-wide landscape strip shall be provided along the north, west, and south sides of the building, and shall be planted with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees, planted 20 feet on center or in equivalent groupings, and drought-tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live coverage, as approved by the Planning and Development Department.

5. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper, large canopy, drought-tolerant, shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25% shade, as approved by Planning and Development Department.
6. All pedestrian pathways, including sidewalks, shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade, as approved by the Planning and Development Department.
7. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped, or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
8. Bicycle parking spaces shall be provided per the requirements of Section 1307.H of the Phoenix Zoning Ordinance through Inverted U and/or artistic racks located near the office and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
9. A minimum of 10% of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
10. A minimum of 5% of the required parking spaces shall include Electric Vehicle (EV) Installed Infrastructure, as approved by the Planning and Development Department.
11. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.
12. One outdoor employee resting area of no less than 400 square feet, or two 200-square foot areas shall be provided on site. Each required pedestrian area shall include a minimum of two pedestrian seating benches, constructed of quality and durable materials, and shaded to a minimum of 75% using minimum 2-inch caliper large canopy drought-tolerant shade trees and/or architectural shade, as approved by the Planning and Development Department.
13. A minimum 5-foot-wide detached sidewalk separated by a minimum 8-foot-wide landscape strip located between the back of curb and sidewalk shall be constructed on the south side of Rose Garden Lane, adjacent to the development, planted to the following standards and as approved by the Planning and Development Department.

- a. Minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant, shade trees, planted 20 feet on center or in equivalent groupings.
- b. Drought-tolerant shrubs, accents, and vegetative groundcovers with a maximum mature height of two feet to achieve a minimum of 75% live coverage.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

14. All existing overhead utilities within the public right-of-way shall be undergrounded, adjacent to the development. The developer shall coordinate with all affected utility companies for their review and permitting.
15. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
16. 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.
17. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.



Village Planning Committee Meeting Summary
Z-60-23-2

Date of VPC Meeting	December 4, 2023
Request From	PUD (5.02 acres)
Request To	A-1 (5.02 acres)
Proposal	Warehousing and office building
Location	Approximately 375 feet east of the southeast corner of 25th Place and Rose Garden Lane
VPC Recommendation	No quorum
VPC Vote	No quorum

VPC DISCUSSION:

No quorum.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.