



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Departments Concerned

Date: April 18, 2024

From: Joshua Bednarek

Planning & Development Department Director

Subject: P.H.O. APPLICATION NO. PHO-1-24--Z-101-98-2(6) – 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 **May 15, 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 **April 25, 2024**.

DISTRIBUTION

Mayor's Office (Tony Montola), 11th Floor
City Council (Stephanie Bracken), 11th Floor
Aviation (Jordan D. Feld)
CED (Michelle Pierson), 20th Floor
Fire Prevention (Joel Asirsan), 2nd Floor
Neighborhood Services (Gregory Gonzales, Lisa Huggins), 4th Floor
Parks & Recreation (Todd Shackelford), 16th Floor
Public Transit (Michael Pierce)
Street Transportation Department (Maja Brkovic, Josh Rogers, Alan Hilty, Chris Kowalsky), 5th Floor
Street Transportation - Ped. Safety Coordinator (Kurt Miyamoto), 5th Floor
Street Transportation - Floodplain Management (Tina Jensen, Priscilla Motola, Rudy Rangel), 5th Floor
Water Services (Don Reynolds, Victor Romo), 8th Floor
Planning and Development (Joshua Bednarek, Tricia Gomes), 3rd Floor
Planning and Development/Information Services (Ben Ernyei, Andrew Wickhorst), 4th Floor
Planning and Development/Historic Preservation Office (Kevin Weight), 3rd Floor
Planning Hearing Officer (Byron Easton, 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-101-98-2(6)

Council District: 6

Request For: Stipulation Modification

Reason for Request: Request to modify Stipulation 7 regarding emergency vehicle access on 25th Street.

Contact Information

Name	Relationship Type	Address	Phone	Fax	Email
Randy Gilliam_Contact	Applicant	1437 West Auto Drive, Tempe AZ 85284			rgilliam@gilliamarchitecture.com
Randy Gilliam_Contact	Representative	1437 West Auto Drive, Tempe AZ 85284			rgilliam@gilliamarchitecture.com
Orsett Cave Creek Bell, LLC, Scott Feuer	Owner	5353 North 16th Street Suite 105, Phoenix AZ 85016			

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

Acreage: 2.78

Geographic Information

Zoning Map	APN	Quarter Section
M9	214-26-005	Q36-33
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
\$1,080.00	\$0.00	04/16/24	PHO (1-2 stipulations)

GILLIAM ARCHITECTURE, LLC

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

March 18, 2024, **rev 4-16-2024**

PHO Written Request

The Window Depot

16802 N. 25th St. Phoenix, AZ 85032

Project Background & Description

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

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

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

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

Surrounding Development

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

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

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

Access

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

PHO Hearing Request

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

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

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

to the following, or similar:

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

Rationale (modification):

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

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Randy J. Gilliam". The signature is written in a cursive, flowing style.

Randy J. Gilliam, NCARB, RA
Principal

rgilliam@gilliamarchitecture.com

T. 480-236-1228



City of Phoenix
PLANNING DEPARTMENT

February 19, 1999

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

Dear Applicant:

RE: Z-101-98-2

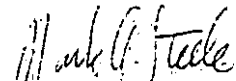
Please be advised that the Phoenix City Council, in accordance with the provisions of Section 506.B.4 of the Zoning Ordinance, as amended, has on February 17, 1999, concurred in the recommendation of the Planning Commission and has ratified the approval of, with stipulations application Z-101-98-2 for C-3, on approximately 2.3 acres located 300 feet south of the southwest corner of 25th Street and Bell Road.

MITIGATING STANDARDS:

1. That, except as modified by the following stipulations the site design shall be in substantial conformance to the site plan dated September 6, 1998, as may be modified by the Development Services Department. Site design shall place emphasis on mitigating impacts upon the surrounding neighborhood. This emphasis shall include, but not be limited to, screening and landscaping, traffic mitigation, graffiti resistant wall treatment and CPTED design principles.
2. That a minimum 20 foot landscape setback shall be provided along 25th Street and at the south property line. The landscape area shall contain minimum 15 gallon trees placed 20 feet on center. At least 50 percent of the trees shall be a minimum of 24-inch box in size.
3. That any materials stored on the site shall be screened from view so that they do not exceed the height of the screening walls and are not visible over the perimeter wall regardless of height.
4. That there be no storage of inoperable vehicles.

5. That landscaping adjacent to the walls shall include materials such as cat claw which, by means of their clinging nature, thorns or other features, discourage graffiti.
6. That the gated emergency entry shall consist of materials designed to screen views from the property.
- Mod 7. That there be no access onto 25th Street except for emergency vehicles.
8. That CPTED (Crime Prevention Through Environmental Design) principles shall be incorporated into the design and layout of this site, as approved by the Development Services Department.
9. That the applicant agrees to pursue a variance for a 10 foot screen wall.
10. That development shall commence within one year of final City Council approval in accordance with Section 506.B.1 of the Zoning Ordinance.

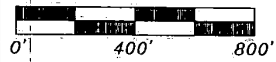
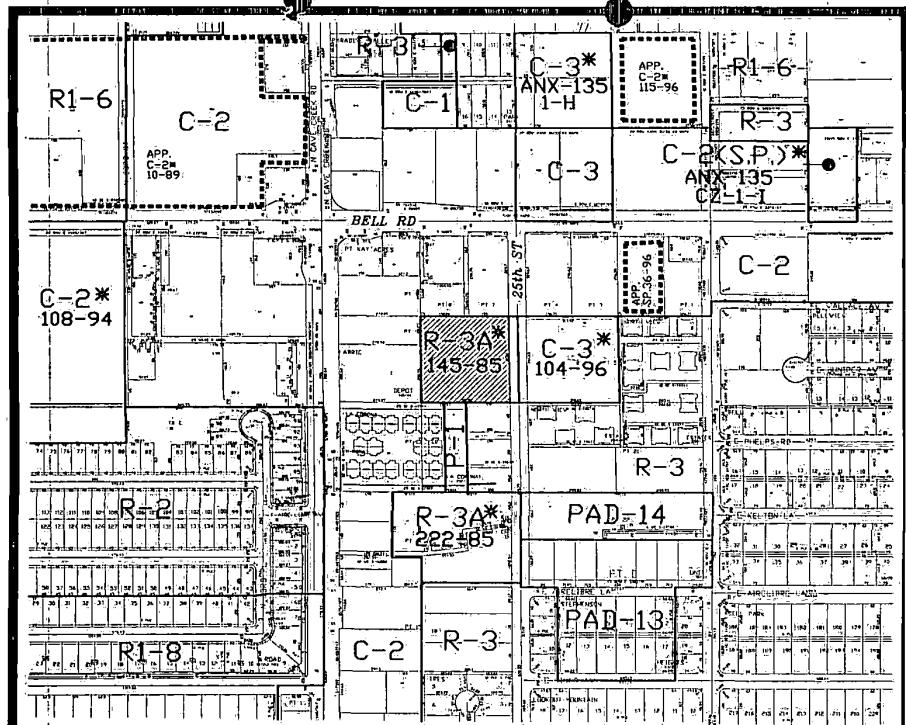
Sincerely,


Mark A. Steele
Principal Planner

c:
City Clerk Sherry Williams Bernadine Alling
Tim Boling, NSD Kelly Zak, Site Planning John Parks, Development Services
Files Bob Luxton, Sign Enforcement Ben Leonard, Public Transit
David Barrier, Building Safety

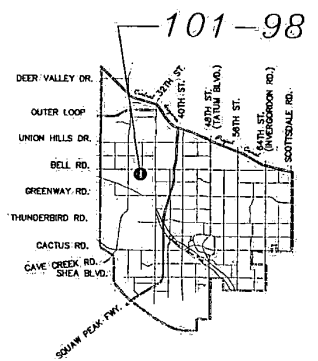
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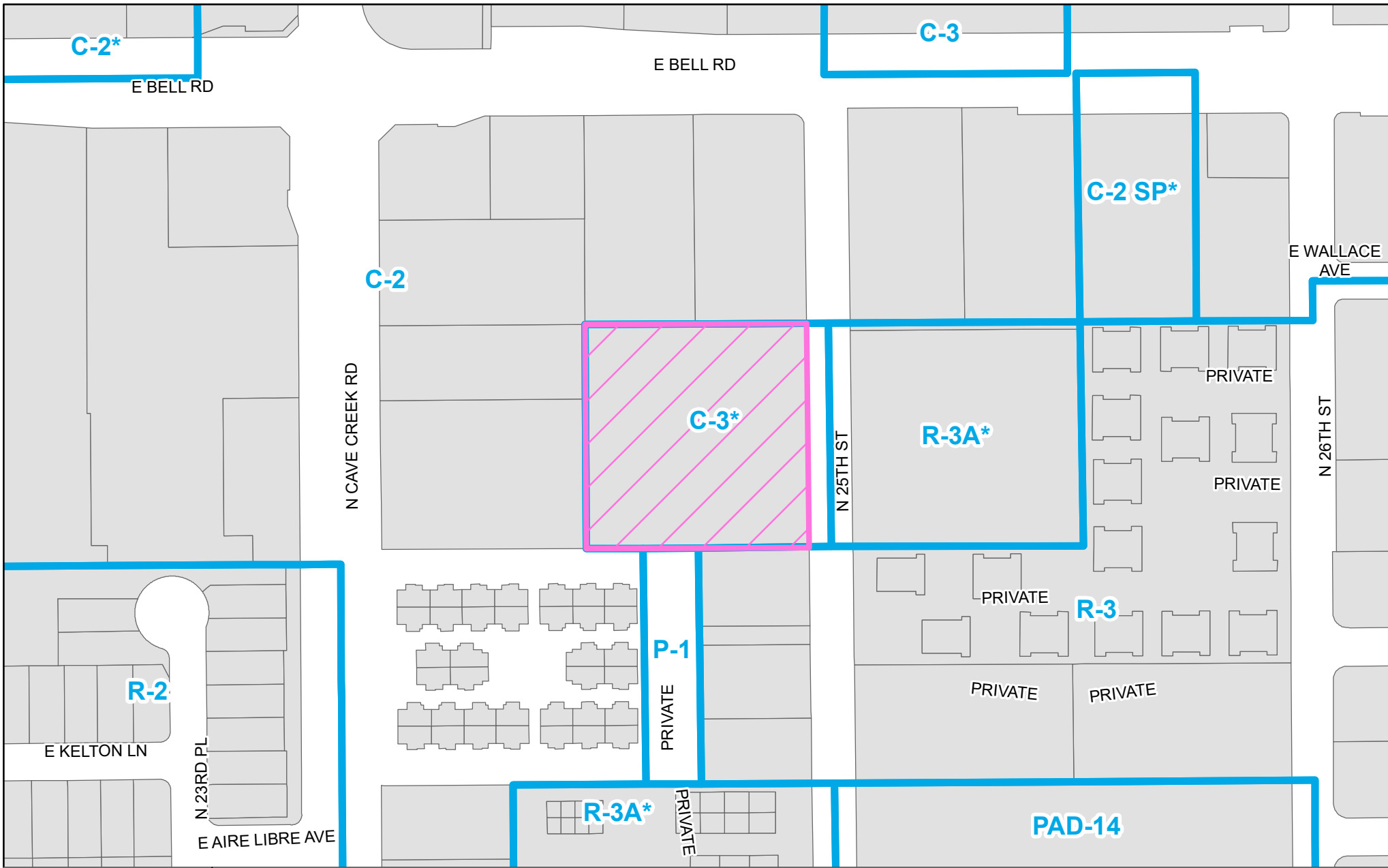
GRAPHIC SCALE IN FEET
CITY OF PHOENIX PLANNING DEPARTMENT

PARADISE VALLEY VILLAGE
CITY COUNCIL DISTRICT: 2



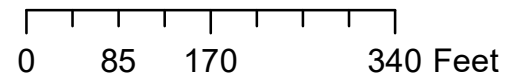
APPLICANT'S NAME: KEN O'DELL		REQUESTED CHANGE: FROM: R-3A TO: C-3	
APPLICATION NO. 101-98-2	DATE: 10-15-88	REVISION DATES:	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 2.3 ACRES	AERIAL PHOTO & QUARTER SEC. NO. 36-33	ZONING MAP M-9	
MULTIPLES PERMITTED	UNITS STANDARD OPTION	* UNITS P.R.D. OPTION	

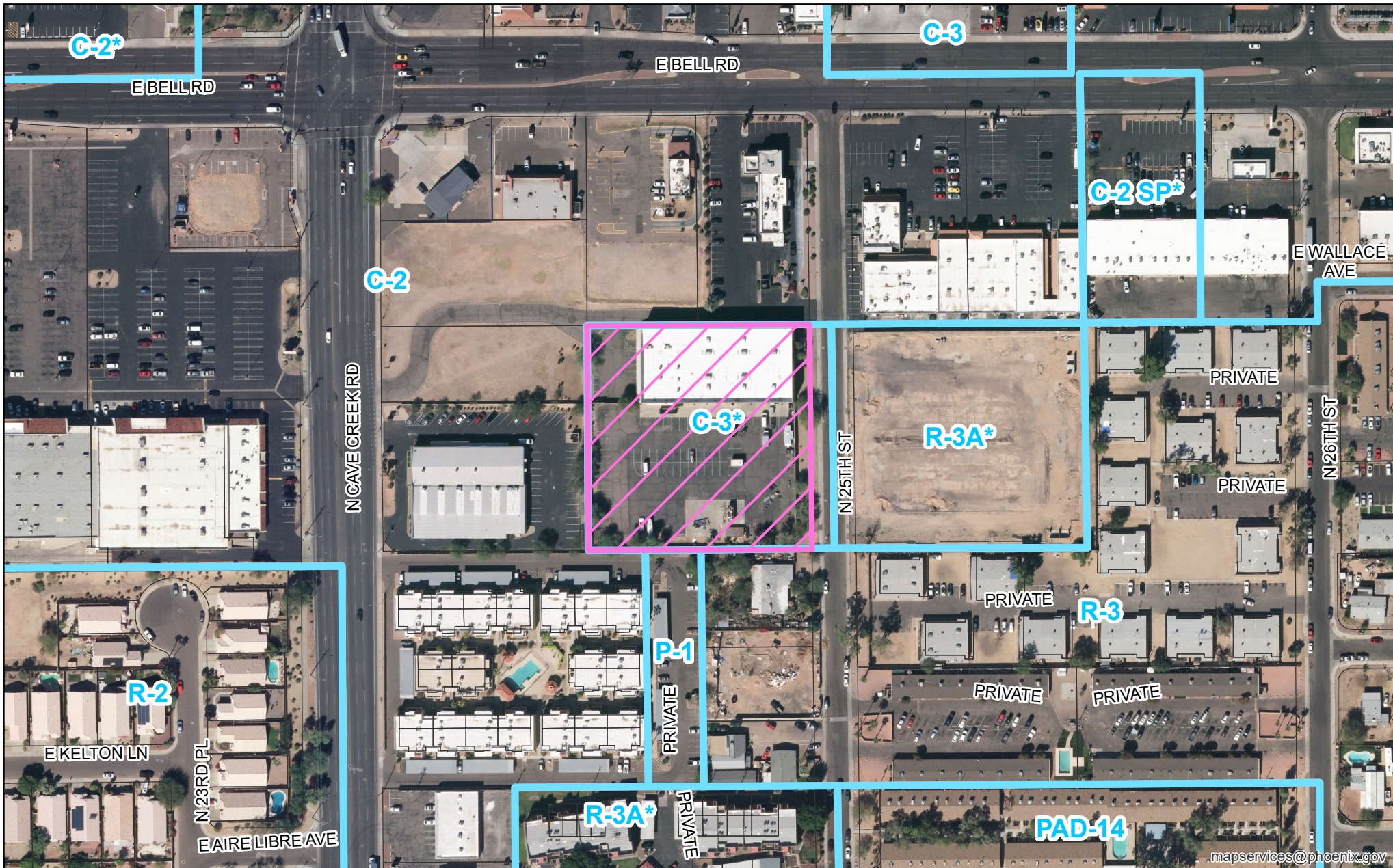
* MAXIMUM UNITS ALLOWED WITH P.R.D. BONUS.



PHO-1-24--Z-19-22-8

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

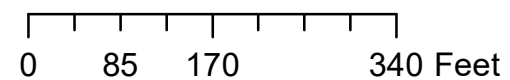




mapservices@phoenix.gov

PHO-1-24--Z-101-98-2(6)

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



EAST BELL ROAD

SITE KEYED NOTES

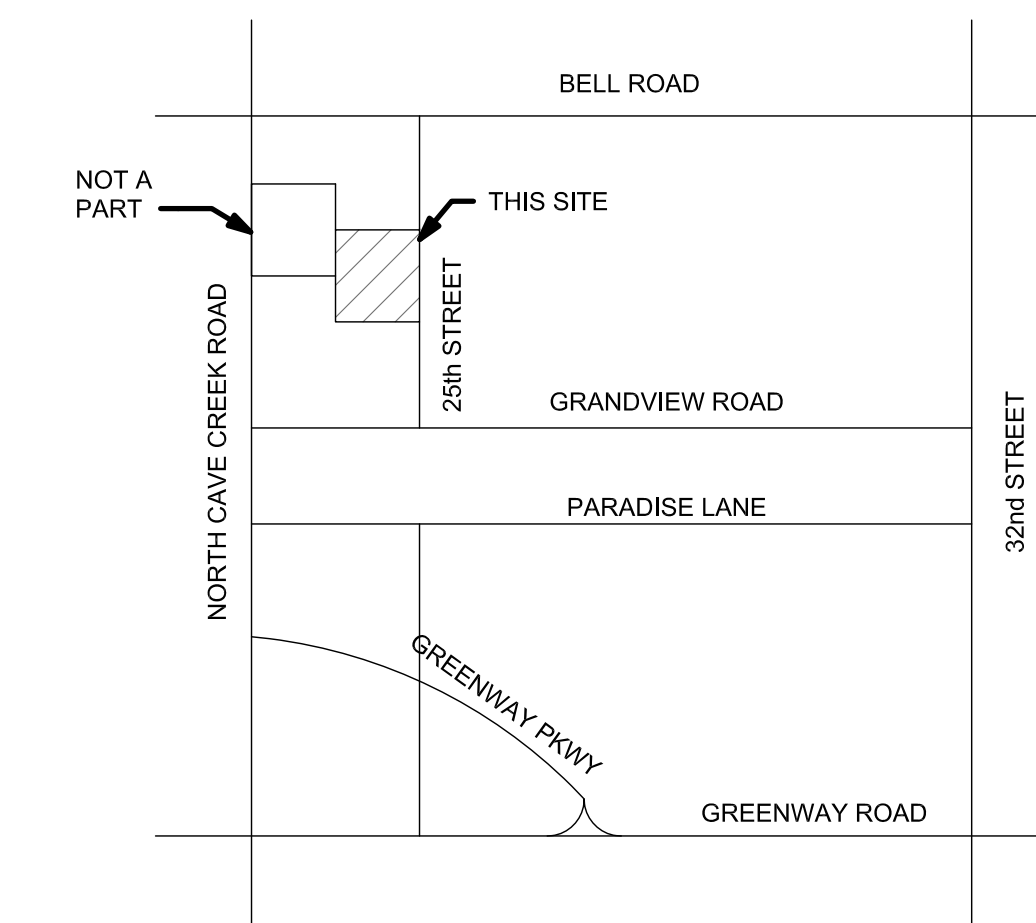
Key Value	Keynote Text
02	EXISTING MASONRY SCREEN WALL
03	EXISTING PARKING LOT, NO CHANGE.
04	EXISTING ROLLING METAL VEHICLE GATE.
05	EXISTING CONCRETE SIDEWALK.
06	EXISTING S.E.S. (ELECTRICAL SERVICE ENTRANCE SECTION)
51	EXISTING FIRE RISER.
52	EXIST REMOTE (F.D.C) FIRE DEPARTMENT CONNECTION.
65	NEW PAVED CONCRETE ENTRY APPROACH PER C.O.P. STANDARDS
66	REMOVE PORTION OF EXISTING MASONRY SCREEN WALL.
67	NEW SLIDING METAL GATE.

SITE DATA

APN: 214-26-005
 ZONING: C-3 (Z101-98-2)
 NET SITE AREA: 91,008 S.F. (2.09 ACRES)
 MAX. BUIL. HGT.: 30 FEET (NO CHANGE)
 BUILDING AREA: 1ST FLOOR 20,400 (NO CHANGE)
 2ND FLOOR (DEMOLISHED)
 TOTAL = 20,400 S.F.

PARKING CALCULATIONS

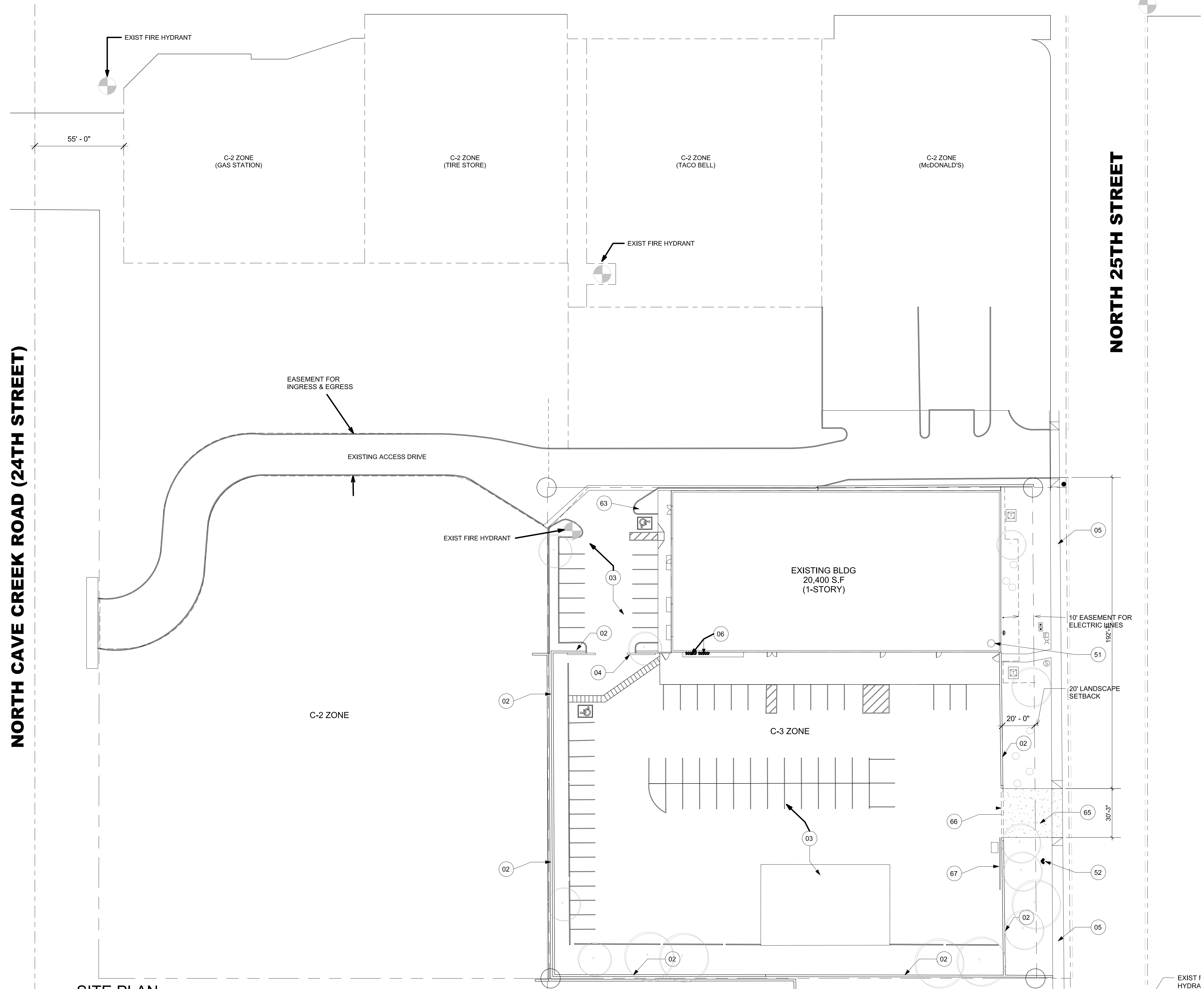
EXISTING PARKING: 69 SPACES (INCLUDES 2 ADA ACCESSIBLE SPACES)
 REQUIRED PARKING: WAREHOUSE 16,707 S.F. (20 EMPLOYEES)
 1.5 X 20 = 30 PARKING SPACES
 RETAIL / SALES AREA 2,327 S.F.
 1/300 SF. 2,327 SF / 300 = 7.8 SPACES
 TOTAL REQUIRED PARKING = 38 SPACES
 PARKING PROVIDE: 69 SPACES (NO CHANGE)



VICINITY MAP

NORTH CAVE CREEK ROAD (24TH STREET)

NORTH 25TH STREET



1 SITE PLAN
 1" = 30'-0"

KIVA#:	DATE / DESCRIPTION
AMND	
Q.S.:	
CPGD#:	

GILLIAM ARCHITECTURE, LLC
 ARCHITECTURE
 PLANNING
 INTERIORS
 ILLUSTRATION
 575 W. CHANDLER BLVD. #225
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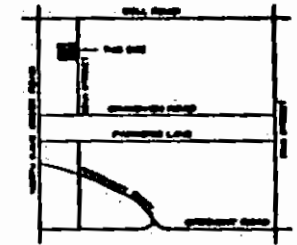
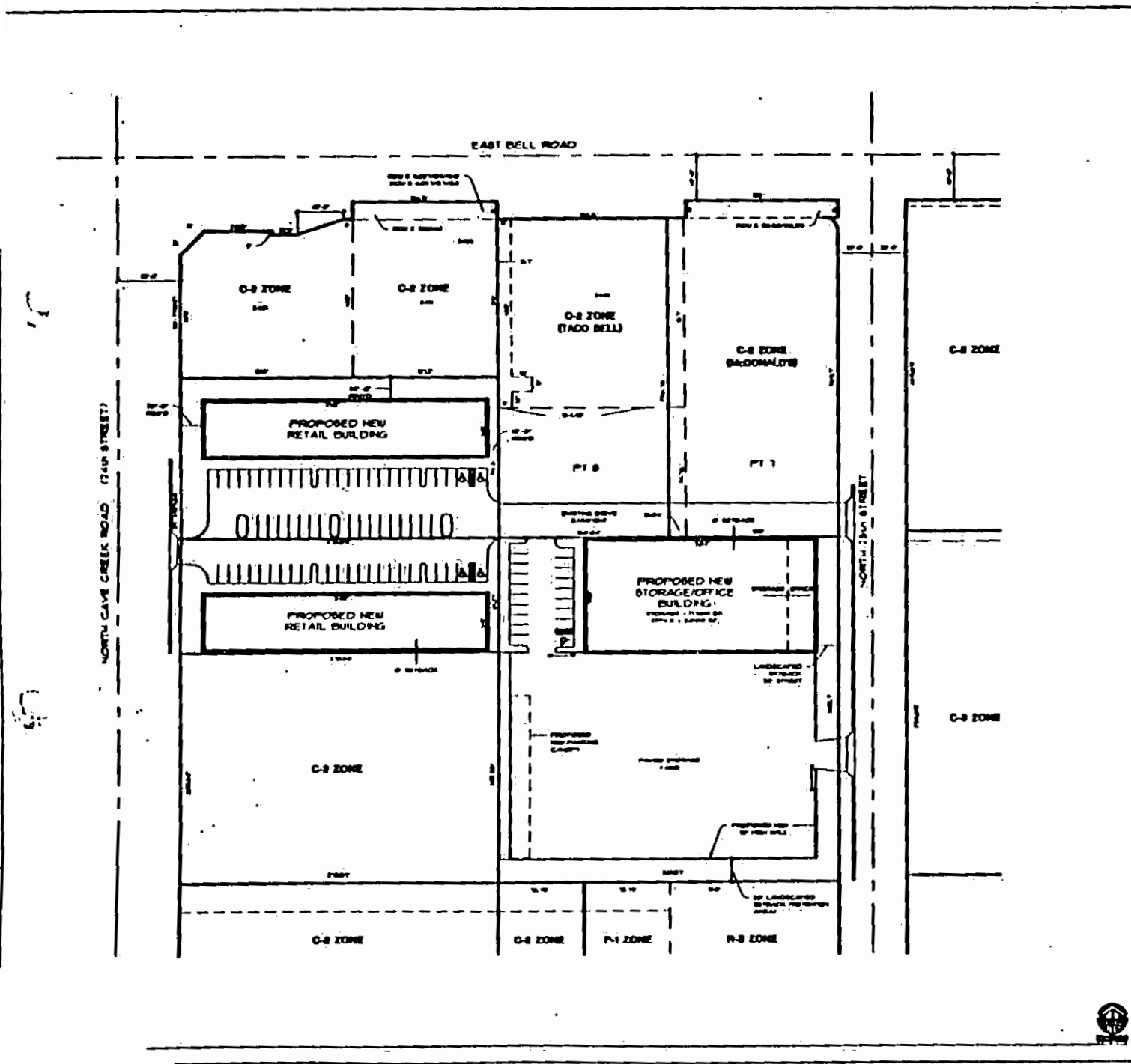
DOCUMENT COPYRIGHTED IN 2024

The WINDOW DEPOT
 Best Price - Biggest Inventory
 "More Than a Window Store"

THE WINDOW DEPOT DRIVEWAY ADDITON

16802 N. 25TH ST. PHOENIX, ARIZONA

PRELIM SITE PLAN: 1/5/2024
 GA Project # GA 23006.0



VICINITY MAP
NO SCALE

LEGAL DESCRIPTION

Area reserved for the legal description of the property, which is currently blank in this scan.

PROJECT DATA

OWNER: SD-1
PROPOSED ZONE: C-8
PROPOSED BUILDING HEIGHT: 15' 0" (15' 0" MAX)
PERMITTED USE: RETAIL
ALLOWABLE LOT COVERAGE: 50 PERCENT
LOT AREA: 2.2 ACRES
DEVELOPER: SD-1
PARKING REQUIRED: 15 SPACES
PARKING PROVIDED: 15 SPACES

Ken O'Dell + Associates
 architects and planners
 1000 17th Street, Suite 100
 Boulder, CO 80502
 303.440.1111

AMERICAN FACILITY SYSTEMS
 1000 17th Street, Suite 100
 Boulder, CO 80502
 303.440.1111

SD-1
 1000 17th Street, Suite 100
 Boulder, CO 80502
 303.440.1111

SD-1
 1000 17th Street, Suite 100
 Boulder, CO 80502
 303.440.1111

SD-1
 1000 17th Street, Suite 100
 Boulder, CO 80502
 303.440.1111

February 17, 1999

The Phoenix City Council convened in formal session on Wednesday, February 17, 1999, at 3:00 p.m. in the Council Chambers.

INVOCATION

The invocation was given by Phoenix East Stake President Lynn R. Hatch, Church of Jesus Christ of Latter Day Saints.

PLEDGE

The Pledge of Allegiance to the Flag was led by Vice Mayor John Nelson.

ROLL CALL

Present: Council Members Peggy A. Bilsten, Sal DiCiccio, Phil Gordon, Tom Milton, Dave Siebert*, Cody Williams, Vice Mayor John Nelson, and Mayor Skip Rimsza
Absent: Council Member Doug Lingner
Also
Present: City Manager Frank Fairbanks, Acting City Attorney Michael D. House, City Clerk Vicky Miel, Deputy City Manager George Britton, Deputy Parks, Recreation and Library Director James Burke, and Planner III John Verdugo

*Mr. Siebert participated via telephone

MINUTES OF MEETINGS

The minutes of this meeting were submitted to Mr. Milton for review.

Mrs. Bilsten found the minutes of the formal meeting of February 3, 1999, to be in order and **MOVED** their approval. This was **SECONDED** by Mr. Nelson. **MOTION CARRIED UNANIMOUSLY.**

February 17, 1999

PETITIONS, COMMUNICATIONS, AND PUBLIC HEARINGS

ITEM 24

DISTRICTS 1, 2, 7 AND 8 -
ZONING CASES SCHEDULED
FOR RATIFICATION OF
PLANNING COMMISSION
ACTION

The Council heard request to approve recommendations made on the following matters which were heard by the Planning Commission on January 13, 1999.

DISTRICT 1 -
OWNER: VARIOUS
REPRESENTATIVE: CITY OF
PHOENIX PLANNING
COMMISSION

- A. Application: Z-119-98-1 (portion); Request: Rezoning; From: County Rural 43 (274.05 acres), County Rural 43 SU (43.83 acres); To: S-1 (274.05 acres), S-1 SP (existing landfill) (43.83 acres); Acreage: 317.88; Location: Northeast corner of 67th Avenue and Jomax Road

Annexation zoning was not subject to Village review.

The Planning Commission recommended approval of S-1 (274.05 ac.) and S-1 SP (43.83 ac.), subject to stipulations on a portion of the site (S-1 SP, 43.83 acres).

DISTRICT - 2
OWNER: GP PROPERTIES
REPRESENTATIVE: KEN
O'DELL

- B. Application: Z-101-98-2; Request: Rezoning; From: R-3A; To: C-3; Acreage: 2.3; Location: Approximately 300 feet south of the southwest corner of 25th Street and Bell Road; Proposal: Commercial

February 17, 1999

The Paradise Valley Village Planning Committee reviewed this request on December 7, 1998, recommending approval (8-3), subject to staff stipulations and the following recommended stipulations: (1) no access onto 25th Street except for emergency vehicles; (2) applicant will pursue a variance for a 10 foot wall; (3) stored materials will not be visible over the perimeter wall regardless of wall height; (4) the emergency gate access on 25th will be designed to block views into the site; and (5) site construction must commence within one year of City Council approval or the property will revert back to R-3A zoning.

The Planning Commission recommended approval, subject to stipulations.

DISTRICT - 2
OWNER: PAUL KLUSMAN
REPRESENTATIVE: PAUL
GILBERT

- C. Application: SP 22-98-2; Request: Special Permit; From: RE-35 (C-2 Requested); To: C-2 (requested) SP; Acreage: 3.5; Location: Approximately 220 feet east of the Cave Creek Road centerline on the south side of Tatum Boulevard; Proposal: Mini Storage

The Desert View Village has not scheduled this application for review based on the applicant's expressed desire for a continuance.

The Planning Commission recommended to withdraw SP 22-98-2 per the applicant's request.

DISTRICT - 7
OWNER: VARIOUS
REPRESENTATIVE: CITY OF
PHOENIX PLANNING
DEPARTMENT

- D. Application: Z-137-98-7; Request: Rezoning; From: County Rural - 43; To: S-1; Acreage: 351.21; Location: Southwest corner of 43rd Ave and Baseline Rd; Proposal: Original City of Phoenix Zoning - (Annexation 207)

Phoenix, Arizona
January 13, 1999

CITY CLERK DEPT.

1999 FEB 11 PM 3:20

The meeting of the Phoenix Planning Commission was called to order by Chairman Berry at 7:15 p.m. in the Council Chambers, 200 West Jefferson, Phoenix, Arizona.

PRESENT: Mr. Virgil Berry, Chairman
Mr. Morris Stein, Vice Chairman
Ms. Sandra Ferniza (arrived 8:00 p.m.)
Mr. Bob Ford (left 11:50 p.m.)
Dr. Joan Kelchner
Mr. Don Keuth
Ms. Robin Mofford
Mr. Thomas H. Milldebrandt

ABSENT: Mr. Robert Frank

ALSO
PRESENT: Mr. Mark Steele, Principal Planner
Mr. Shaun Gasparini, Planner I
Ms. Barbara Thomas, Secretary to the Commission

At the request of Chairman Berry, Mr. Stein read the opening statements.

Approval of the minutes of December 2, 1998.

Mr. Milldebrandt made the motion that these minutes be approved as submitted. Mr. Ford seconded and the motion passed unanimously.

Approval of the minutes of December 9, 1998.

Mr. Stein made the motion that these minutes be approved as submitted. Mr. Keuth seconded and the motion passed unanimously.

* * *

At this time, Chairman Berry called for cases for continuance or withdrawal followed by cases scheduled for consent by the Planning Commission.

* * * *

0053000120

January 13, 1999

Application: 101-98-2 (Appealed from 12/21/98 ZHO)
From: R-3A to C-3 Acreage: 2.3
Location: Approximately 300 feet south of the southwest corner of 25th Street and Bell Road
Proposal: Commercial
Applicant: Ken O'Dell
Owner: GP Properties
Representative: Ken O'Dell

Mr. Steele said this request was appealed from the Zoning Hearing Officer hearing at which time the Hearing Officer recommended denial, based on the range of permitted C-3 uses. The Paradise Valley Planning Committee recommended approval by a 8 to 3 vote, subject to stipulations, including no access onto 25th Street, except for emergency vehicles. The applicant is proposing a 20,000 office/storage building with a substantial outdoor area for vehicles and equipment. It is possible to stipulate to a site plan, however, C-3 zoning could ultimately allow other more objectionable uses. Commercial traffic on a local street can have a further destabilizing effect. Adjacent C-3 zoning was approved in 1996. That request was opposed by staff and remains undeveloped. This request is inconsistent with the General Plan of 5 to 15 unit per acre designation. Staff does not believe that this request would enhance the image of the area and recommends denial.

Mr. Ken O'Dell, 4203 East Indian School Road, spoke on behalf of the property owner, Americore, noting that this parcel is almost completely surrounded by commercial zoning. The Village Committee, the Palomino Fight back Committee, the Bell Park Six Block, and the North town Homeowners Association are in support. He submitted petitions in support. Americore is an existing family-owned business that is located at 32nd Street and Thunderbird, but they have outgrown their existing facility. Their intent is to provide all of the access from the Cave Creek Road C-2 parcel back to the proposed C-3 site. Americore replaces air conditioners and hot water heaters. Their intention is keep their service vehicle trucks parked in the site to the south. They are in agreement with the staff's mitigating standards and the additional stipulations proposed by the Village.

Mr. Stein asked Mr. Fouts the specific uses that the C-3 would allow them to do in regard to the outdoor storage and outdoor activities being proposed.

Mr. Clay Fouts, Americore, 7638 West Villa Theresa, answered they need the use primarily for vehicle parking. Outside storage would include air conditioners, hot water heaters, and the service trucks. When they replace air conditioners and water heaters, they bring them back to the facility. A C-3 zoning is needed in order to store these units prior to disposal at the dump or salvage yard. They will also have a retail store up in the front building; that is the reason for opening up the site.

Mr. Fouts added this property is currently zoned for about 24 apartment units, and if they build apartments, there will be 25 to 50 cars generating more traffic. No one wants additional apartments in the area. This facility will help improve the area.

Ms. Mofford commented through her efforts with the Fight Back Programs, she knows that this neighborhood has worked very hard to clean up the area. She asked what specific things occurred that made them change their position from opposition to support.

Jan. 13, 1999

Z-101-98-2

Page 2

Mr. Fouts answered only two people were opposed. One member from the Village was in opposition due to the fragile nature of the area. The other person was opposed to C-3 zoning because there is C-3 zoning across the street but nothing has been developed. The rest of the neighborhood is in support.

Dr. Kelchner asked if it were possible to take away the C-3 if this business closes.

Mr. Steele responded the best approach that the Commission can take is to call for substantial to the plan; that effectively precludes some of the other outdoor C-3 activities.

Chairman Berry said he has been on this Commission for the past three years and cannot recall past cases where they approved a C-3 zoning. He asked staff if it were possible to allow a C-2 with some special uses that would allow outdoor storage of vehicles.

Mr. Steele said C-2 allows contracting offices, but requires all indoor storage. Therefore, they would have to do everything within the building; they could not have the outdoor storage of materials and vehicles.

Chairman Berry said it makes sense to join the properties because then the C-3 would be boxed in and not allowing an exit off the other street to possible mitigate some concerns.

Mr. Milldebrandt voiced his disapproval of C-3. They will not know what will happen down the road.

Mr. Fouts said he has been in business for 15 years and his three sons will be taking over when he retires.

The following spoke in support:

Mr. William Rosemond, 2848 East Greenway Road

Mr. Brian Kunkel, North Phoenix Chamber of Commerce

Mr. Rosemond spoke in support on behalf of the Palomino Fight Back Neighborhood in support. The only objections that anyone every had regarding the C-3 was due to the C-3 site across the street that never developed. They have heard that particular C-3 property across the street is going to be used as a construction storage facility and store diesel fuel. They are very concerned about that use because it will be adjacent to bedroom windows. They would prefer to see a category of C-2.5, to allow these people store their vehicles and material. However, they would like to see this facility come into this neighborhood. They do not want additional high density apartments in this area.

Mr. Kunkel, North Phoenix of Chamber of Commerce, spoke in support. Americore is a 15 year company in their neighborhood with zero police calls. That is a very good record for any company This company will be building a 2.3 million dollar project and paying approximately \$60,000 a year in property taxes.

Dr. Kelchner noted there are numerous stipulations to ensure a nice wall and security protection for 25th Street. In addition, the neighborhood is in support. She can support this case.

Dr. Kelchner made the MOTION to forward Application 101-98-2 to the City Council with a recommendation for approval, subject to all the mitigating standards, as modified by the Paradise Valley Village Planning Committee's recommendations.

00530000149

Mr. Keuth SECONDED the motion.

There being no further discussion, Chairman Berry called for a vote and the MOTION PASSED six to one with Mr. Milldebrandt in opposition.

* * *

Mitigating Standards:

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

* * * *

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PARADISE VILLAGE PLANNING COMMITTEE
CITY CLERK DEPT

Monday, December 7, 1998,

7:00 p.m.

1998 DEC 28 PM 3:18

Multipurpose Room, Paradise Valley Community Center,
17402 North 40th Street,
Phoenix, Arizona

1. **Call to order at 7:00 p.m. by Peggy Neely. A quorum was present. Introductions and announcements.**

Members Present

Peggy Neely	Jeffrey Gross	Sally Spray
Paul Newman	Sandra Kube	Vic Spurlock
Jerry Aster	Brian Kunkel	Sandra Stein
Tim Blake	Bob Linssen	Susan Tompkins

Members Excused

Andrew Luck
Kathryn May
Wanda McFarland

Members Absent

Belle Crocker
Deborah Shriver

2. **Review and approval of Minutes of November 2, 1998. Item tabled.**
3. **Public comments concerning items not on the agenda. NOT FOR COMMITTEE DISCUSSION.**

Paul Newman announces that he will not be returning for another term. The Committee thanks him for his contribution.

Tim Blake announces that he attended the Town Hall and it was successful.

Jerry Aster informs the Committee that he will attend the Cox Communications workshop and report back.

Peggy Neely states that she is on the siting committee to place overhead power lines in northeast Phoenix and report back.

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4. **Review, discussion and possible action regarding the village planning committee calendar for 1999.**

Committee discusses meeting July 12 instead of July 5, and September 13 instead of September 6, 1999, both of which are holidays.

There tentatively will not be a meeting in August, but the Committee will meet on December 6, 1999, subject to change depending upon demand.

Motion by Jerry Aster to approve the 1999 calendar, with the changes discussed by the Committee, seconded by Sandra Stein. Approved unanimously.

5. **Nomination and election of officers for 1999.**

The following nominations were made: Secretary – Jeff Gross, nominated and seconded, elected unanimously; Vice Chairperson – Vic Spurlock, nominated and seconded, elected unanimously; Chairperson – Jerry Aster, nominated and seconded, elected unanimously.

6. **Review, discussion and possible action on the following zoning cases:**

a. **Z-94-98-2: An application to rezone from R1-14 to C-2 on 1.9 acres located 158 feet west of 43rd Street, on the south side of Bell Road. Applicant: Midas Muffler (automotive). {CONTINUED from 11/2}**

Presentation by Jason Morris, Beus, Gilbert & Devitt, for Midas Muffler. Applicant agrees to delete access to 43rd Street from site plan, leaving sole access from Bell Road. Applicant proposes that one acre parcel on the west portion of the property would be rezoned to C-2, with the remnant one-half acre parcel on the east portion along 43rd Street being rezoned to CO-GO. No changes to the site plan are proposed other than delete access to 43rd Street.

Neighbors' voice opposition to C-2 use on back portion of property.

Jeff Gross moves to recommend approval subject to: (1) staff stipulations; (2) subject to the application being amended to request C-2 on the front portion and CO-GO on the entire back portion of the property; and (3) permanent blockage of 43rd Street. Seconded by Sally Spray. Motion passed unanimously.

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The committee noted that there was no neighborhood opposition. Mr. Gross expressed his belief that the site would eventually be commercial and that this proposal provides a good compromise for the neighborhood by using commercial office zoning to buffer the adjacent residential area from commercial uses along Bell Road. The committee also noted that this is the first proposal they have seen that proposes office along this portion of Bell Road.

b. **Z-101-98-2:** An application to rezone from R-3A to C-3 on 2.3 acres located approximately 300 feet south of the southwest corner of 25th Street and Bell Road. Applicant Ken O'Dell (commercial).

Presentation by Ken O'Dell for Americor. The site is intended for new headquarters for Americor's operations. Americor services single family residences. The land is presently vacant. Site plan shows retail space on an adjoining parcel along Cave Creek, with office/storage to the east along 25th Street.

Lynn Favour for staff notes that the only action to be taken regards the storage/office space. Proposal is for very intense commercial use in an unstable area. May lead encroachment of commercial into residential area and increase traffic on 25th Street. Staff recommends Committee look closely at rezoning in the Palomino Fight Back Neighborhood.

No neighborhood input to Committee.

Jerry Aster moves to recommend subject to: (1) staff stipulations, provided that there shall be no access to 25th Street except for city emergency vehicles; (2) that the gate for access to 25th Street be a non-view gate; (3) that the applicant will continue to use best efforts to obtain a variance for a 10 foot wall; (4) that the appellant agree not to stack material that can be seen over any wall; and (5) that construction must begin within one year from City council approval or it will revert to the previous zoning. Seconded by Brian Kunkel. Motion passed 7-3.

Mr. Aster noted that: (1) the stipulations agreed to by the applicant will mitigate the use; (2) no neighborhood opposition was present; and (3) this recommendation is in keeping with the approved C-3 zoning across the street from the subject site.

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c. **Z-110-98-3: Application to rezone from R-4A PCD to R-5 PCD on 3 acres located approximately 663 feet east of the northeast corner of Desert Cove and Tatum Boulevard. Applicant: Earl, Curley & Lagarde for Anasazi Terrace Partners, Inc. (Major amendment to a PCD (49-75), condominium development with resort uses).**

Presentation by Greg Loper, Earl, Curley & Lagarde. This rezoning is necessary to allow for use as timeshares or for sale to individual owners for periodic rental.

Lynn Favour for staff notes that rezoning is necessary to allow for timeshare use.

Jeff Gross moves to recommend approval subject to staff stipulations. Jerry Aster seconds. Motion passed unanimously.

Mr. Gross noted that the proposal would not adversely affect anyone.

7. **Review, discussion and possible action on the following Zoning Ordinance Text Amendments.**

a. **TA-11-98: *Parking*. A request to modify parking requirements generally, including commercial centers with public assembly and garages in the C-2 district. This item is scheduled for the Planning Commission on December 9th.**

Presentation for staff by Lynn Favour. This request is primarily motivated to bring parking requirements more closely in conformance with actual use.

Vic Spurlock moves to recommend approval. Seconded by Tim Blake. Motion passed unanimously.

b. **TA-16-98; *Nonconforming Uses*: An amendment that addresses the expansion and abandonment or cessation of nonconforming uses. This matter is scheduled for the Planning commission hearing on November 12th.**

Presentation for staff by Lynn Favour. City Council was concerned that Phoenix was too lenient on nonconforming uses. A peer comparison study revealed that Phoenix was less restrictive than other cities.

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Proposed revisions include:

- 6 month abatement period rather than one year;
- no intent to abandon needs to be shown, only non-use, with burden on owner to prove non-abandonment;
- limited expansion of non-conforming uses.

Brian Kunkel moves to recommend approval. Jerry Aster seconds. Motion passed 9-1.

8. **Update on TA--9-98: *Temporary Uses*: An amendment to Section 708 intended to clarify if temporary uses are allowed in residential districts.**

Presentation for staff by Lynn Favour. City Council is concerned about taking away all temporary uses, such as school and church functions, Fiesta Bowl events. Staff recommends alternative "d" for 4 events per year with additional limitations.

Brian Kunkel moves to recommend approval, Bob Linssen seconds. Motion passed unanimously.

9. **Update from Subcommittees:**

- East Bell Road Corridor Study Subcommittee: Did not meet.
- Desert trails & Preserve Subcommittee: Did not meet.
- Squaw Peak Freeway Landscaping Subcommittee: Did not meet.

10. **Announcements and Public Comments. (Not for committee discussion).**

Jerry Aster moves that the Committee recognize Peggy Neely and Paul Newman for their service as officers. Seconded and passed unanimously.

11. **Future agenda items for January 4, 1999 meeting date. (For identification only).**

- Z-113-98-3; Rezoning request from RE-35,R-O, P-1 to C-1 for a 10.2 acre property located north of the northwest corner of Tatum Boulevard and Shea Boulevard (commercial).

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Paradise Valley Village Planning Committee
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Jeff Gross moved to adjourn. Seconded by Jerry Aster. Motion passed unanimously.

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