



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

Staff Report: Z-45-21-8
November 3, 2021

South Mountain [Village Planning Committee Meeting Date](#) November 9, 2021
[Planning Commission Hearing Date](#) December 2, 2021
Request From: [S-1](#) (3.99 acres)
Request To: [CP/GCP](#) (3.99 acres)
Proposed Use Warehousing and office
Location Approximately 1,050 feet north of the northeast corner of 36th Street and Southern Avenue
Owner CTC Partnership, LLC
Applicant/Representative David Richert
Staff Recommendation Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Map Designation		Commerce/Business Park	
Street Map Classification	36th Street	Minor Collector Street	25-foot east half street
<p>CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.</p> <p>The request for CP/GCP (Commerce Park/General Commerce Park) zoning will allow for increased intensity that is consistent in scale and character with the surrounding zoning and General Plan Land Use Map designations in the area. However, as stipulated, the development would provide an increased building setback along the south and west property lines, in addition to enhanced landscaping along the frontage of the property to help screen uses from public view.</p>			

STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; ENTREPRENEURS EMERGING ENTERPRISES; LAND USE PRINCIPLE: Encourage land uses that promote the growth of entrepreneurs or new businesses in Phoenix in appropriate locations.

Rezoning to CP/GCP will provide opportunity for growth, development, and employment generating uses within the South Mountain Village. Furthermore, the proposal for CP/GCP zoning is consistent with the surrounding area, as commerce park and industrial park zoning are presently found predominantly north of Southern Avenue between 36th Street and 40th Street.

BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

The proposal, as stipulated, will be required to provide shade along the adjacent sidewalk, uncovered parking stalls and provide a shaded employee resting area. This will help to encourage walking and to mitigate the urban heat island effect by covering hard surfaces, thus cooling the micro-climate around the project vicinity.

Applicable Plans, Overlays, and Initiatives

[Tree and Shade Master Plan](#): See Background Item No. 6.

[Complete Street Guidelines](#): See Background Item No. 7.

[Comprehensive Bicycle Master Plan](#): See Background Item No. 8.

[Zero Waste PHX](#): See Background Item No. 9.

Surrounding Land Uses/Zoning

	<u>Land Use</u>	<u>Zoning</u>
On Site	Single-family homes and agricultural uses	S-1
North	Warehouses	IND.PK.
South	Single-family home and agricultural uses	S-1
East	Single-family home and agricultural uses	CP/GCP
West (across 36th Street)	Single-family homes and agricultural uses	R-3

Commerce Park / General Commerce Park District		
<u>Standards</u>	<u>Requirements</u>	<u>Met or Not Met</u>
<i>Minimum Building Setbacks</i>		
Perimeter Street (36th Street)	30 feet	103 feet (Met)
Perimeter not on a street (South)	20 feet Step back provision requires a 66-foot setback due to the proposed building height.	134 feet (Met)
Interior not on a street (North)	0 feet	5 feet (Met)
Interior not on a street (East)	0 feet	77 feet (Met)
<i>Minimum Landscaped Setbacks</i>		
Perimeter Street (36th Street)	30 feet	30 feet (Met)
Perimeter not on a street (South)	5 feet	5 feet (Met)
Interior not on a street (North)	0 feet	0 feet (Met)
Interior not on a street (East)	0 feet	0 feet (Met)
Maximum Lot Coverage	50%	37%
Maximum Building Height	18-foot maximum height is permitted within 30 feet of the perimeter lot line, then one-foot of additional height is allowed for every 3 feet of additional setback, maximum 56 feet to 80 feet with a use permit and site plan.	34 feet maximum height (Met, requires a 66-foot building setback from the south property line)
Minimum Parking	Manufacturing, wholesale, including but not limited to warehouses: 1 space per 1,000 square feet of unspecified industrial use	98 spaces provided (Met)

	<p>and 1 space per 300 sq. ft. of administration office.</p> <p>91 spaces required.</p>	
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Background/Issues/Analysis

SUBJECT SITE

1. This request is to rezone a 3.99-acre site, located approximately 1,050 feet north of the northeast corner of 36th Street and Southern Avenue from S-1 (Ranch or Farm Residence District) to CP/GCP (Commerce Park/General Commerce Park District) to allow a new warehouse with office uses.

In 1925, the site was subdivided as part of the Bartlett Heard Lands Lots 48-60-61 subdivision which created 14 lots as part of a survey by Mr. Harry E. Jones. In 1960, the subject site was annexed into the City of Phoenix from unincorporated Maricopa County and zoned S-1. Historic aerial imagery shows that the site was historically utilized for agricultural uses.

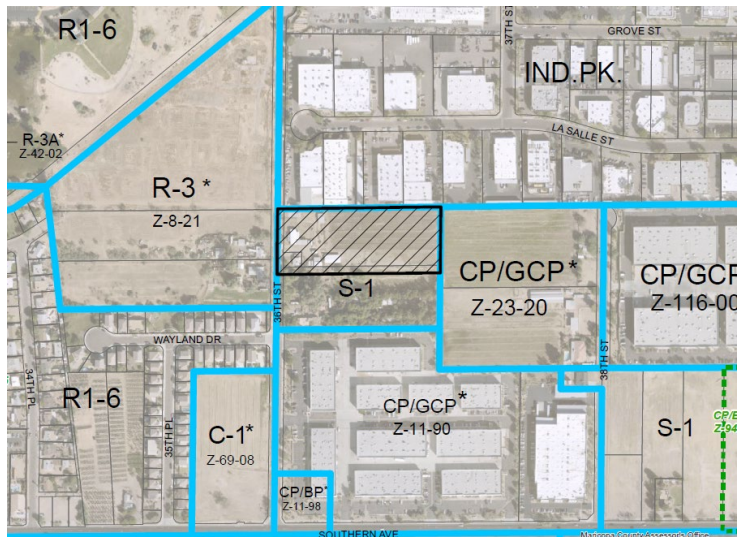
SURROUNDING USES AND ZONING

2. North of the subject site are properties zoned and developed under the Ind. Pk. (Industrial Park District). The equivalent zoning is Commerce Park.

South of the subject site are multiple single-family residences zoned S-1 (Ranch or Farm Residence).

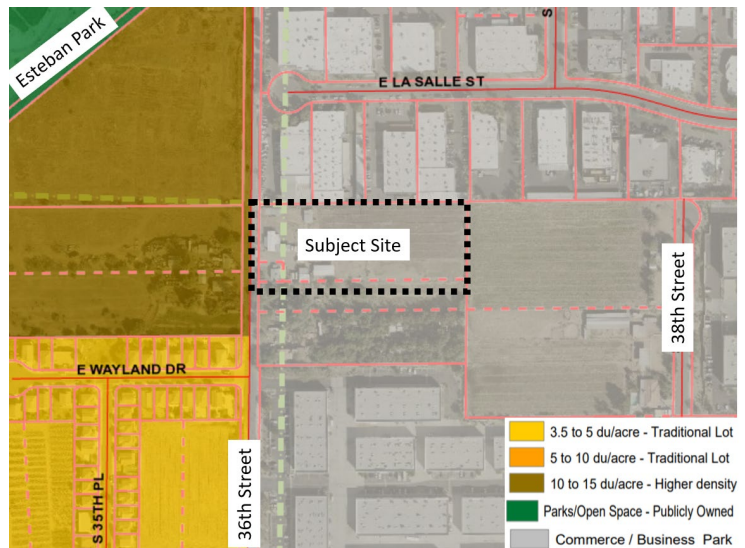
East of the subject site are single-family homes recently rezoned to CP/GCP (Commerce Park/ General Commerce Park), and entitled for a warehouse and office use.

West of the subject site, across 36th Street, are single-family residential homes recently rezoned to R-3 (Multifamily Residence District), and entitled for a townhome community.



Aerial Zoning Map, Source: Planning and Development Department

- The subject site has a General Plan Land Use Map designation of Commerce/Business Park which is consistent with the request to rezone to CP/GCP (Commerce Park/ General Commerce Park). Most surrounding properties are also designated as Commerce/ Business Park on the General Plan Land Use Map, except west of 36th Street where these properties are designated Residential 3.5 to 5 dwelling units per acre and 10 to 15 dwelling units per acre.

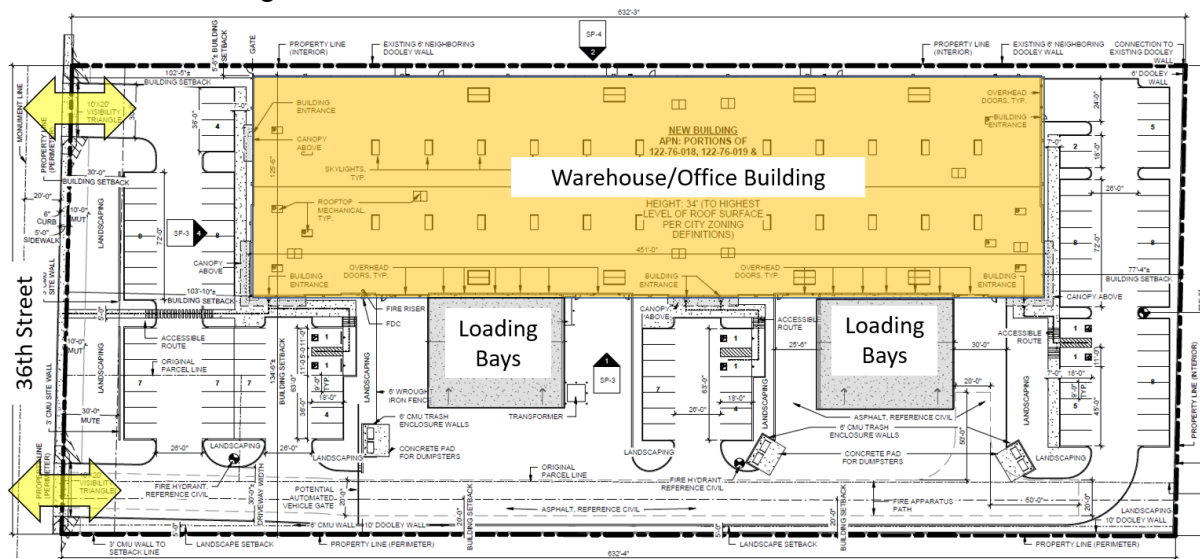


General Plan Land Use Map, Source: Planning and Development Department

PROPOSAL

- The conceptual site plan proposes a new 62,000 square foot building at two stories and 39 feet in height to the top of parapet. This building will incorporate multiple uses such as office and warehousing. This building is envisioned to be divided into two sections, each with a primary entrance and loading area. Access to the site will be exclusively provided from 36th Street where two driveways are proposed.

The proposed 98 parking spaces are distributed throughout the site, but primarily concentrated along the west and east.



Conceptual Site Plan with Planning and Development Department annotations, Source: Cotton Architecture and Design

Stipulation No. 1 would require general conformance with the conceptual site plan submitted by the applicant. This will help ensure that the proposed building maintains an enhanced building setback from adjacent residential zoning to the south and west (along 36th Street). The building setback proposed along the south property line is 134 feet, while the building setback along the west property line is approximately 103 feet.

5. A single building is proposed at the subject site at a height of two stories and 39 feet to the top of parapet. The building elevations depict painted concrete material and a metal canopy along the primary building entrance, in addition to metal roll-up doors on the south elevations. Windows of various sizes are proposed along the south, east and west building elevations.



Conceptual Building Elevations, Source: Cotton Architecture and Design

Staff recommends general conformance to the conceptual building elevations provided by the applicant to provide certainty in how the building will develop in the future. This is addressed in Stipulation No. 1. The following conceptual site

renderings depict how the site might look like once developed in accordance to the site plan and building elevations provided.



Conceptual site renderings, Source: Cotton Architecture and Design



Conceptual site renderings, Source: Cotton Architecture and Design

STUDIES AND POLICIES

6. [Tree and Shade Master Plan](#)

The Tree and Shade Master Plan is a roadmap for creating a healthier, more livable and prosperous 21st Century desert city. The goal is to treat the urban forest as infrastructure to ensure that trees are an integral part of the city's planning and development process. In order to enhance the landscaping buffers of this site and to increase the percentage of shade on the site, staff is recommending that the required landscape setback along 36th Street include two-inch and three-inch caliper trees. This is addressed in Stipulation No. 2. This stipulation also requires that shade be provided along the 36th Street sidewalk except where utility conflicts exist, given existing utility infrastructure along this frontage.

Staff also recommends Stipulation No. 3 to require a combination 1-inch and 2-inch caliper trees to be utilized along the south landscape setback. These required landscaping standards will help to provide additional screening on the site, when combined by a minimum 8-foot tall wall required to be provided along the south property line per the Zoning Ordinance.

Furthermore, Stipulation No. 4 as recommended by staff, provides landscaping and shading standards for uncovered parking lot areas in order to help mitigate the urban heat island effect and to help cool the micro-climate of the site plus surrounding areas.

Lastly, Stipulation No. 5 requires that one 300-square foot or two 150-square foot employee resting areas on the site (outside of landscape setbacks), be provided on site as selected by the developer. The area(s) shall incorporate seating and shade to allow employees a place outdoors to recreate. This is addressed in Stipulation No. 5.

7. [Complete Streets Guidelines](#)

The City's complete streets policy further advances its goal to create a more sustainable transportation system that is safe and accessible for everyone. Complete streets provide infrastructure that encourages active transportation such as walking, bicycling, transportation choices and increased connectivity. Through this policy, the primary focus of street design will no longer be solely on the speed and efficiency of automobile travel, but on the safety and comfort of all users.

To promote walking, staff recommends that an accessible pedestrian pathway constructed of another material, other than those used to pave the parking surfaces and drive aisles, connect the sidewalk along 36th Street with the primary building entrance closest to this public street via a direct route. This is addressed in Stipulation No. 6.

Traffic calming measures (including stop signs) at all vehicular points of ingress and/or egress to slow vehicles departing the development and crossing the public sidewalks, are recommended in Stipulation No. 7. These improvements will help to promote safety for pedestrians when crossing vehicular driveways.

To encourage bicycling, staff recommends that a minimum of eight bicycle parking spaces be provided via inverted U and/or artistic bicycle racks dispersed throughout the site, in order for employees in both sections of the building to have access to bicycle parking. This is addressed in Stipulation No. 8.

Lastly, a detached sidewalk was not required along 36th Street for this project due to utility conflicts. However, Stipulation No. 2, as previously discussed in this report, will promote shading along this public street where utility conflicts do not exist, and Stipulation No. 9 will require a sidewalk to be provided along 36th Street to expand the existing sidewalk connections in the area.

8. **Comprehensive Bicycle Master Plan**

The City of Phoenix adopted the Comprehensive Bicycle Master Plan in 2014 to guide the development of its Bikeway System and supportive infrastructure. Bicycle lanes have been designated and constructed within the Southern Avenue corridor, south of the subject site. Staff recommends that a minimum of eight bicycle parking be provided via inverted U and/or artistic bicycle racks dispersed throughout the site in order to promote alternative transportation. This is addressed in Stipulation No. 8.

9. **Zero Waste PHX**

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero-waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and expand its recycling and other waste diversion programs. Section 716 of the Phoenix Zoning Ordinance establishes standards to encourage the provision of recycling containers for multifamily, commercial, industrial, and mixed-use developments meeting certain criteria. No provisions for recycling containers were depicted on the site plans for the commercial or multifamily-zoned portion of the site. However, the applicant's submittal documents indicate that recycling containers may be incorporated as part of the multifamily-zoned portion of the site pending further review. No provisions for recycling containers were depicted on the site plan provided by the applicant. However, the applicant has described in their submittal documents that recycling may be incorporated if this service is available.

COMMUNITY INPUT SUMMARY

10. From the time the case was filed to the time the staff report was written, one letter in opposition and one letter in support of this project were received from the public.

The letter in opposition cited concerns with the proposed use of the site and noise impacts to surrounding residential uses.

INTERDEPARTMENTAL COMMENTS

11. The Water Services Departments commented that the property has existing water mains that can potentially serve the development. A sewer main extension will be required as there are no sewer lines adjacent to this development along 36th Street. In addition, the Water Services Department commented that capacity is a dynamic condition that can change over time due to a variety of factors. The requirements for such water and sewer service will not be determined until the time of application for a site plan or building permit.
12. The Floodplain Management division of the Public Works Department did not have any comments regarding this project.
13. The Fire Department commented that the project shall comply with the 2018 International Fire Code with Phoenix Amendments, including fire apparatus access, hydrant spacing and water supply to meet fire flow.
14. The Public Transit Department (PTD) commented that accessible pedestrian pathways connecting building entrances and the public sidewalk be provided via the most direct route. Furthermore, that pathways constructed of alternative materials be provided where pathways cross drive aisles, to contrast with these and parking surfaces. Stipulation No. 6 requires alternative material to be provided within the primary pedestrian connection to the site from the 36th Street sidewalk, where this crosses drive aisles. Furthermore, the Zoning Ordinance requires that building entrances be accessible from a public sidewalk.
15. The Street Transportation Department requires the dedication of 5 feet of street right-of-way along 36th Street and general street improvements along this roadway. Additionally, Street Transportation commented that all street improvements shall meet ADA guidelines. These are addressed in Stipulation Nos. 10 and 11.
16. The Phoenix General Plan Trails map has designated a multi-use trail along the frontage of this site next to 36th Street. The Parks and Recreation Department requires the dedication of a trail easement and associated improvements along designated trails. Thus, staff recommends Stipulation No. 12 to require a multi-use trail (MUT) and multi-use trail easement (MUTE) be provided along the 36th Street frontage. However, staff included additional language that allows the developer to seek a technical appeal to modify the trail standards if determined through this process.

OTHER

17. The Aviation Department requires that the property owner record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of City of Phoenix Sky Harbor International Airport (PHX) to future owners of the property. This is addressed in Stipulation No. 13.
18. The site is located in a larger area identified as being archaeologically sensitive. If further review by the City of Phoenix Archaeology Office determines the site and immediate area to be archaeologically sensitive, and if no previous archaeological projects have been conducted within this project area, it is recommended that archaeological Phase I data testing of this area be conducted. Phase II archaeological data recovery excavations may be necessary based upon the results of the testing. A qualified archaeologist must make this determination in consultation with the City of Phoenix Archaeologist. In the event archaeological materials are encountered during construction, all ground disturbing activities must cease within a 33-foot radius of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation Nos. 14 through 16.
19. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements such as obtaining a use permit to conduct the proposed outdoor use in this zoning district. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

Findings

1. The proposal is consistent with the General Plan Land Use Map designation of Commerce/Business Park.
2. As stipulated, the proposed development will incorporate adequate standards that will help mitigate impacts to surrounding residential uses. These standards will include large building setbacks, building height limitations and enhanced landscaping.
3. The proposed development is consistent with the scale and character of developments approved or existing in the surrounding area while also promoting increased employment in the area.

Stipulations

1. The development shall be in general conformance with the site plan and building elevations date stamped August 9, 2021, except as modified by the following, and approved by the Planning and Development Department.

2. The required landscape setback along 36th Street shall be planted with minimum 50-percent 2-inch caliper and 50-percent 3-inch caliper large canopy drought-tolerant trees, planted 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree, as approved by the Planning and Development Department. Trees shall be oriented to provide the maximum shade possible to the sidewalk along 36th Street, except where utility conflicts arise, as approved by the Planning and Development Department.
3. The required landscape setback along the south property line shall be planted with minimum 40-percent 1-inch caliper and 60-percent 2-inch caliper large canopy drought-tolerant trees, planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department.
4. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking area and achieve 25 percent shade at maturity, as approved by Planning and Development Department.
5. One outdoor employee resting area of no less than 300-square feet or two 150-square foot areas shall be provided on the site. The resting area shall include a bench, constructed of quality and durable materials, and located in a shaded area, as approved by the Planning and Development Department.
6. A clearly defined and accessible pedestrian connection from the primary building entrance closest to 36th Street to the nearest public sidewalk shall be provided via the most direct route. This pathway shall be constructed of an alternate material, other than that used to pave the parking surfaces and drive aisles, as approved by the Planning and Development Department.
7. The developer shall provide traffic calming measures at all vehicular points of ingress and/or egress to slow vehicles departing the development and crossing the public sidewalks, as approved by the Planning and Development Department.
8. A minimum of eight bicycle parking spaces shall be provided through Inverted U and/or artistic racks dispersed throughout the site and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
9. The developer shall construct a sidewalk along the east side of 36th Street, as approved by the Planning and Development Department.
10. The developer shall dedicate 5 feet of right-of-way and construct the east half of 36th Street, as approved by the Planning and Development Department.

11. The developer shall construct all streets within and adjacent to the development 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.
12. The developer shall dedicate a 30-foot wide multi-use trail easement (MUTE) along the east side of 36th Street and construct a minimum 10-foot wide multi-use trail (MUT) within the easement in accordance with the MAG supplemental detail, as approved by the Planning and Development Department. The developer shall work with the Site Planning section on an alternate design for this requirement through the technical appeal process.
13. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
14. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
15. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archaeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
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.

Writer

Enrique Bojórquez-Gaxiola

November 3, 2021

Team Leader

Samantha Keating

Staff Report: Z-45-21-8

November 3, 2021

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Exhibits

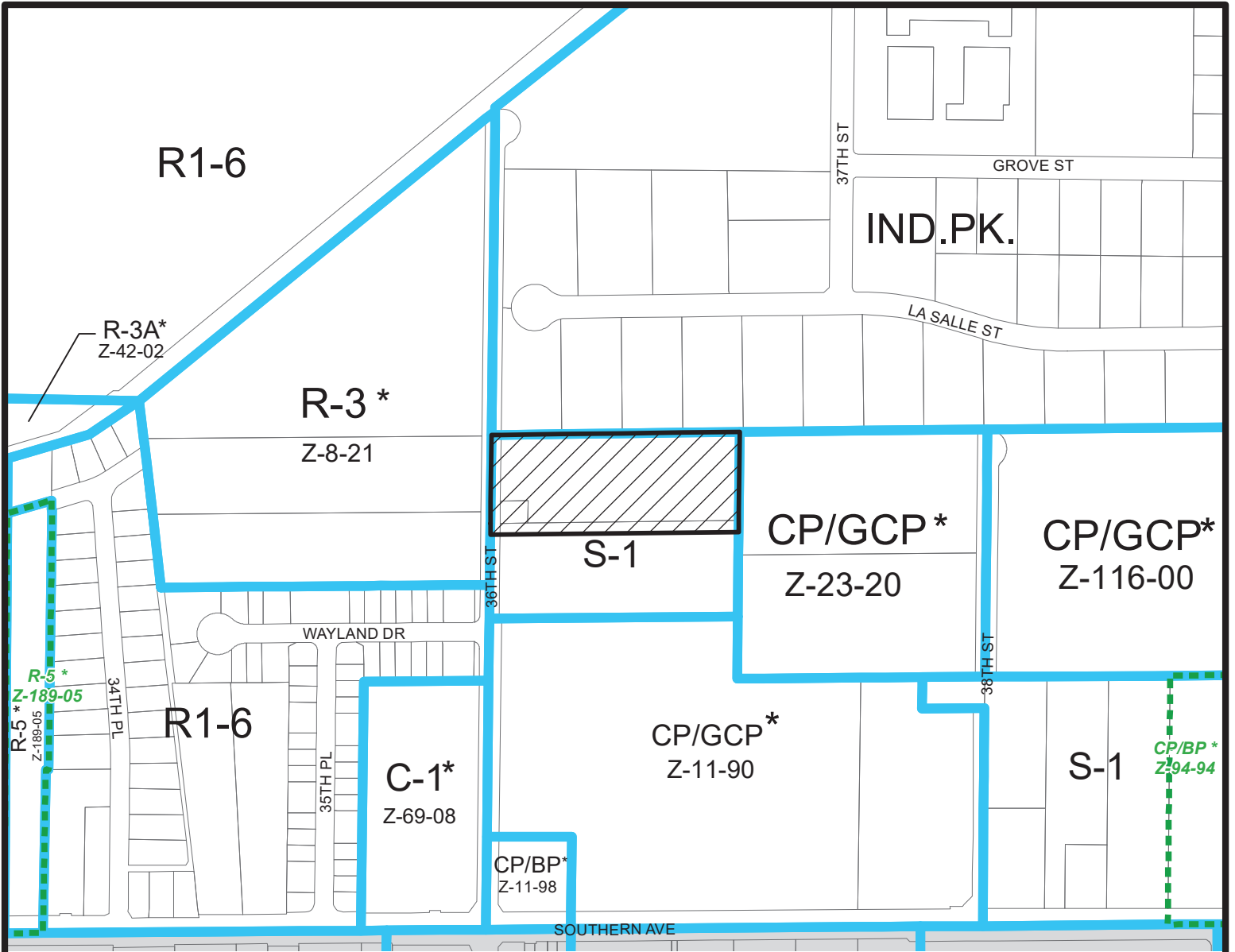
Sketch Map

Aerial Map

Conceptual Site Plan date stamped August 9, 2021

Conceptual Building Elevations date stamped August 9, 2021 (2 pages)

Community Correspondence (2 pages)



Miles

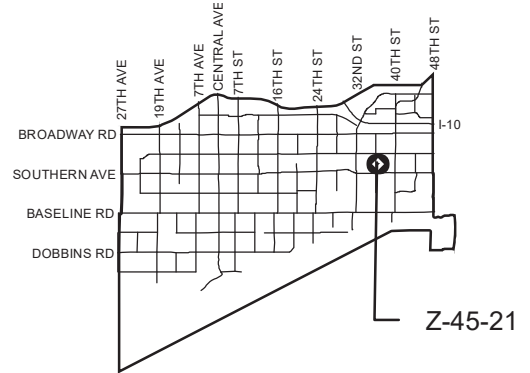
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SOUTH MOUNTAIN VILLAGE

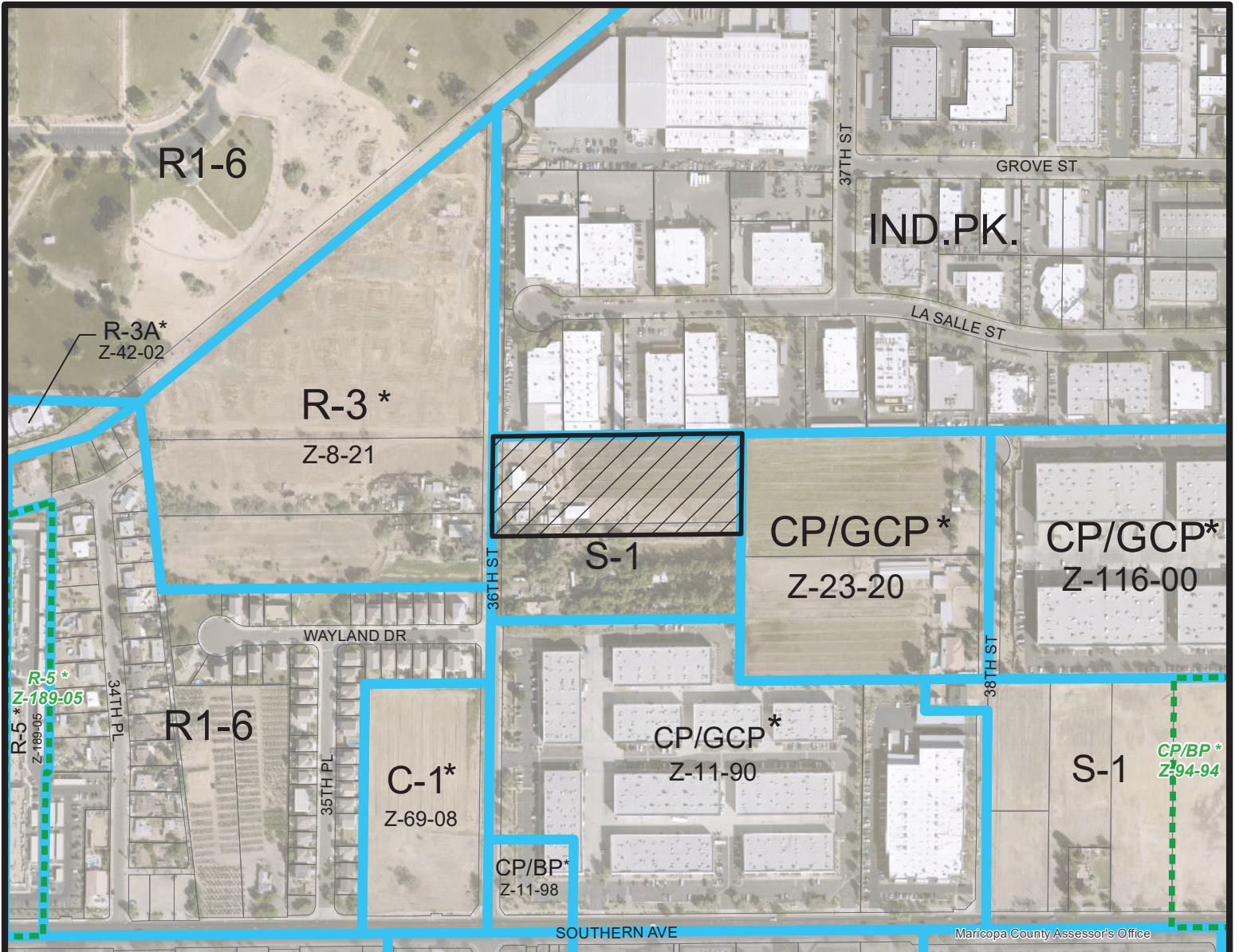
CITY COUNCIL DISTRICT: 8



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT



APPLICANT'S NAME: David Richert		REQUESTED CHANGE: FROM: S-1 (3.99 a.c.) TO: CP/GCP (3.99 a.c.)	
APPLICATION NO. Z-45-21	DATE: 8/11/2021 REVISION DATES:		
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> 3.99 Acres	<small>AERIAL PHOTO & QUARTER SEC. NO.</small> QS 3-36	<small>ZONING MAP</small> D-10	
MULTIPLES PERMITTED S-1 CP/GCP	CONVENTIONAL OPTION 3 N/A		* UNITS P.R.D. OPTION N/A N/A
* Maximum Units Allowed with P.R.D. Bonus			



Miles

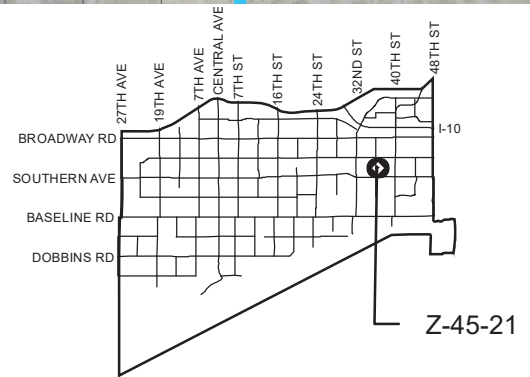
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SOUTH MOUNTAIN VILLAGE

CITY COUNCIL DISTRICT: 8



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT



APPLICANT'S NAME: **David Richert**

REQUESTED CHANGE:

FROM: **S-1 (3.99 a.c.)**

APPLICATION NO. **Z-45-21**

DATE: **8/11/2021**
REVISION DATES:

GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.

3.99 Acres

AERIAL PHOTO & QUARTER SEC. NO.

QS 3-36

ZONING MAP

D-10

TO: **CP/GCP (3.99 a.c.)**

MULTIPLES PERMITTED

S-1

CP/GCP

CONVENTIONAL OPTION

3

N/A

*** UNITS P.R.D. OPTION**

N/A

N/A

* Maximum Units Allowed with P.R.D. Bonus

From: [Blake Peterson](#)
To: [Enrique A Bojorquez-Gaxiola](#)
Subject: Rezoning Application Z-41-21-8 for 5815 S. 36th St
Date: Friday, August 13, 2021 1:29:09 PM

I would like to oppose the above rezoning of 5815 S. 36th St. That property and surrounding properties on 36th street are residential and I believe they should remain residential. A warehouse distribution center would be noisy and disruptive to residential properties.

Thanks, Blake

Blake Peterson, CPA
6197 South Rural Suite 102-14
Tempe, Arizona 85283
Phone: 480-829-0509
Fax: 480-829-0055
blakepeterson@cox.net
blakepetersoncpa.com

From: jardg@aol.com
To: Enrique A Bojorquez-Gaxiola
Subject: Fwd: Rezoning case# Z-45-21-8
Date: Thursday, September 2, 2021 4:08:41 PM

-----Original Message-----

From: jardg@aol.com
To: enrique.borjorquez-gaxiola@phoenix.gov <enrique.borjorquez-gaxiola@phoenix.gov>
Sent: Thu, Sep 2, 2021 1:00 pm
Subject: Rezoning case# Z-45-21-8

Dear Mr. Borjorquez-Gaxiola,

I have received correspondence from Richert and Associates about the proposed zoning change. We at JBD Properites are very supportive of the zoning change.

We are unable to attend the September 16th meeting but we want to be sure our support is noted.

Thank you,

Julie Davis
520-991-0642