



**City of Phoenix**  
 PLANNING AND DEVELOPMENT DEPARTMENT

**Staff Report Z-71-22-4**  
**December 12, 2022**

**Maryvale Village Planning Committee Meeting Date:** December 14, 2022

**Planning Commission Hearing Date:** January 5, 2023

**Request From:** A-2 (Industrial District) (6.26 acres)

**Request To:** A-2 HGT/WVR (Industrial District, Height Waiver) (6.26 acres)

**Proposed Use:** Height waiver up to 110 feet for a silo

**Location:** Southeast corner of 35th Avenue and Grand Avenue

**Owner/Applicant:** Drake Switching Company, LLC

**Representative:** Ashley Marsh, Gammage & Burnham, PLC

**Staff Recommendation:** Approval, subject to stipulations

<u>General Plan Conformity</u>			
<u>General Plan Land Use Map Designation</u>		Industrial	
<u>Street Map Classification</u>	Grand Avenue	Major Arterial	50-feet southwest half street (ADOT right-of-way)
	35th Avenue	Major Arterial	33-feet east half street

**CONNECT PEOPLE AND PLACES CORE VALUES; OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.**

The requested zoning will allow for increased intensity that is consistent in scale and character with the surrounding zoning and General Plan Land Use Map designation in the area. The subject site is adjacent to non-residential uses, including a railway, auto parts manufacturing, warehousing, and storage of construction material.

**STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; MANUFACTURING / INDUSTRIAL DEVELOPMENT; DESIGN PRINCIPLE: Design industrial sites to be well screened from adjacent sensitive land uses such as residential.**

Rezoning to A-2 HGT/WVR (Industrial District, Height Waiver) will provide opportunity for growth, development, and employment for a material transfer facility located on the subject site. The subject site is surrounded by other industrial uses and the proposal is to locate a new tower used to store, load, and transfer cementitious materials. The proposed silo is within the existing site boundaries, away from single-family residential uses.

**CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CERTAINTY AND CHARACTER; DESIGN PRINCIPLE: Create new development or redevelopment that is sensitive to the scale and character of the surrounding neighborhoods and incorporates adequate development standards to prevent negative impact(s) on the residential properties**

The proposed development is compatible with the surrounding industrial and commercial land uses. The proposed development is not directly adjacent to residential properties and is located along Grand Avenue, a major arterial, and adjacent to a railway.

**Applicable Plans, Overlays, and Initiatives**

[Complete Streets Guidelines](#): Background Item No. 6.

[Zero Waste PHX](#): Background Item No. 7.

**Surrounding Land Uses and Zoning**

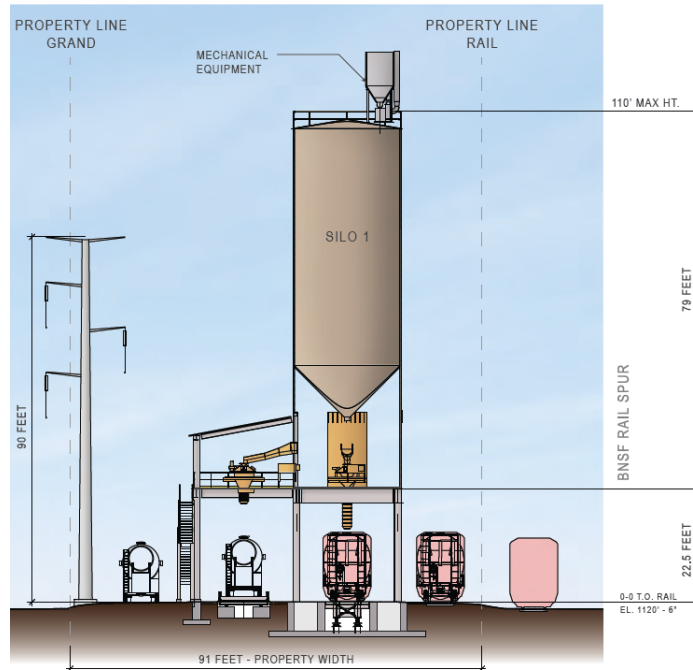
	<u>Land Use</u>	<u>Zoning</u>
<b>On Site</b>	Vacant structures	A-2
<b>Northeast (across Grand Avenue)</b>	Trailer rentals, pawn shop, multifamily residential, and auto sales	C-3 and C-3 DNS/WVR

<b>Southwest</b>	Railway, auto part sales and manufacturing, and furniture restoration	A-2
<b>West</b>	Auto repair	A-2

<b>A-2 (Industrial) with Height Waiver Zoning District</b>		
<b><u>Standards</u></b>	<b><u>Requirements</u></b>	<b><u>Proposed Site Plan</u></b>
<b><i>Minimum Building Setbacks</i></b>		
Adjacent to Streets: (Northeast – Grand Avenue)	25 feet	Not specified
Side yard (Southeast)	0 feet	Not specified
Side yard (Northwest)	0 feet	Not specified
Rear yard (Southwest)	0 feet	Not specified
<b><i>Minimum Landscaped Setbacks</i></b>		
Adjacent to Streets: (Northeast – Grand Avenue)	Landscaped area no less than eight times the lot frontage, measured in square feet, between the public right-of-way and the principal building or structure.  A landscaped strip of no less than five feet in depth between the front property line and parking area.	Not specified
Side yard (Southeast)	0 feet	Not specified
Side yard (Northwest)	0 feet	Not specified
Rear yard (Southwest)	0 feet	Not specified
Maximum Lot Coverage	No maximum	Not applicable
Maximum Building Height	56 feet maximum height; up to 80 feet allowable with use permit with site plan.  Request to exceed this limit for a warehouse up to a maximum height of 110 feet may be granted by the City Council.	110 feet (met with a height waiver)
Minimum Parking	1 space per 300 square feet of office	7 spaces (size of office not specified)







Conceptual Building Elevations  
Source: Drake Cement, M3 Design

#### STUDIES AND POLICIES

##### 6. [Complete Streets Guidelines](#)

In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. To provide a safe pedestrian environment staff is recommending enhanced pavement treatment for the on-site pedestrian walkways that cross vehicular drive aisles. This is addressed in Stipulation No. 2.

##### 7. [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 Section 716 of the Phoenix Zoning Ordinance expand its recycling and other waste diversion programs. The provision of recycling containers was not addressed in the applicant's submittals.

#### COMMUNITY INPUT SUMMARY

8. As of the writing of this report, staff did not receive any letters in opposition from the public on this rezoning case.

#### INTERDEPARTMENTAL COMMENTS

9. The Street Transportation Department has stated that the right-of-way, adjacent to Grand Avenue, is under the Arizona Department of Transportation (ADOT)

jurisdiction and as a result, the department does not have any additional stipulations.

10. The City of Phoenix Aviation Department has indicated that due to the proximity of the Sky Harbor Airport, Form 7460-1 be filed for the development and that the development receive a "No Hazard Determination" from the FAA, if required. This is addressed in Stipulation No. 3.

#### OTHER

11. The site has not been identified as being archeologically sensitive. However, 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 No. 4.
12. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to preliminary site plan approval. This is addressed in Stipulation No. 5.
13. 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 proposed zoning is consistent with the General Plan Land Use Map designation of Industrial.
2. The proposed development, as stipulated, is compatible with the surrounding land uses.
3. The proposed silo is consistent with the scale and character of the surrounding area and will also promote employment.

#### **Stipulations**

1. The maximum building height shall be 110 feet.
2. Where pedestrian pathways cross a vehicular path, the pathway shall be

constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.

3. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.
4. 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.
5. 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.

**Writer**

Nayeli Sanchez Luna

December 12, 2022

**Team Leader**

Racelle Escolar

**Exhibits**

Zoning sketch map

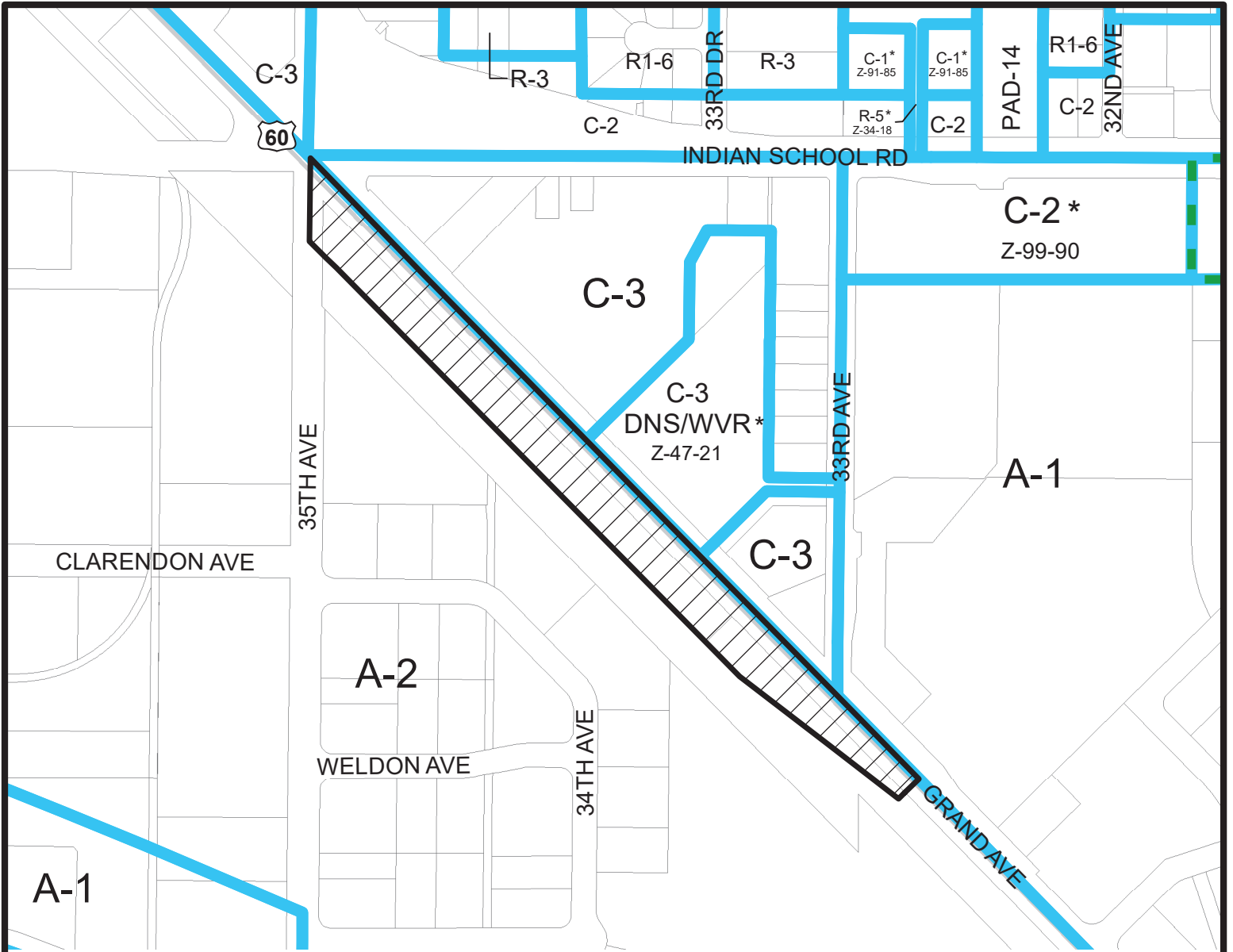
Aerial sketch map

Conceptual Site Plan date stamped September 28, 2022 (3 pages)

Conceptual Elevations date stamped September 28, 2022 (1 page)

Renderings date stamped September 28, 2022 (2 pages)

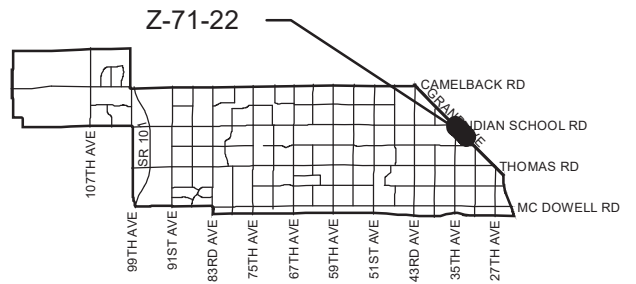




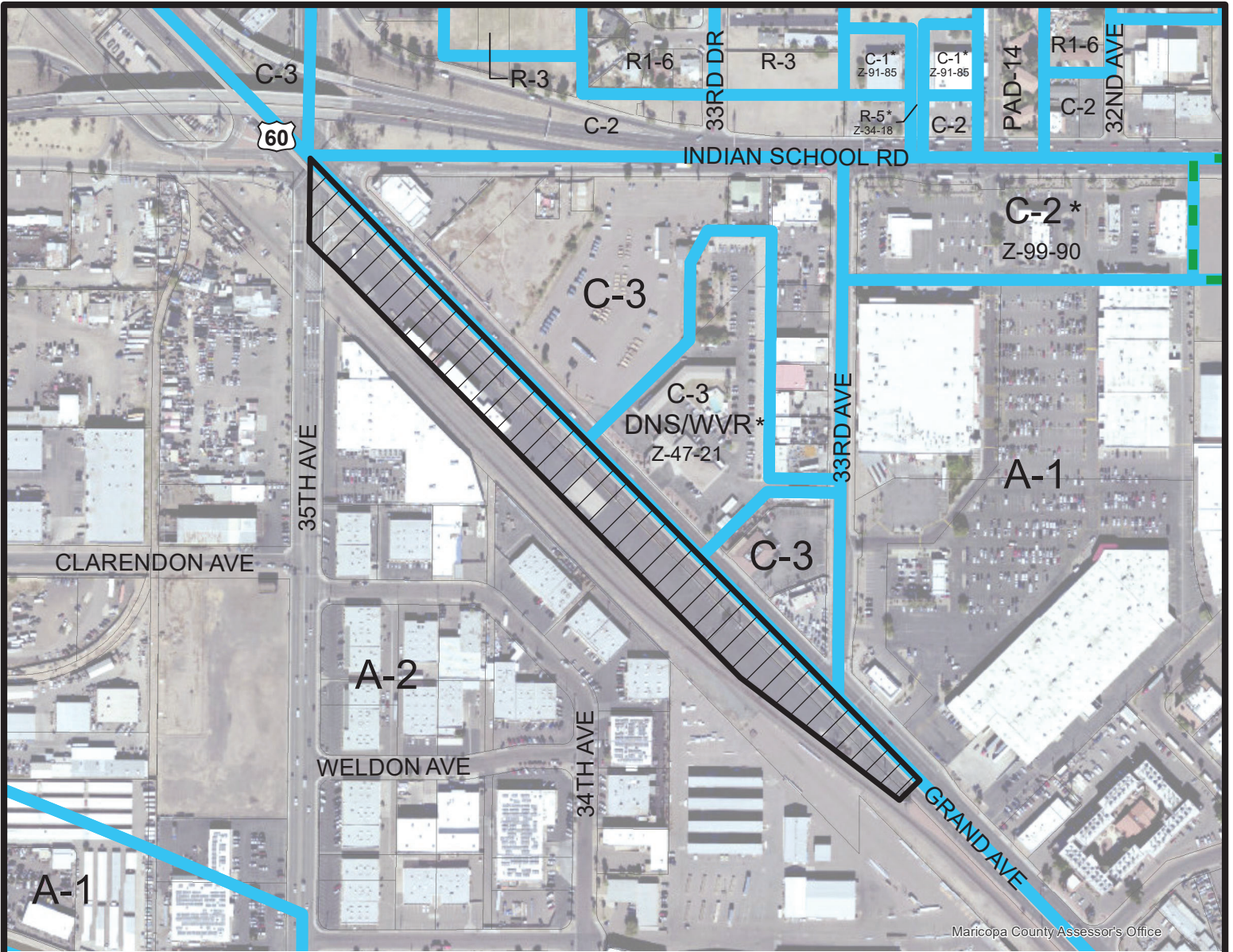
Miles



**MARYVALE VILLAGE**  
CITY COUNCIL DISTRICT: 4



<b>APPLICANT'S NAME:</b> Drake Switching Company LLC		<b>REQUESTED CHANGE:</b>	
<b>APPLICATION NO.</b> Z-71-22		<b>FROM:</b> A-2 ( 6.26 a.c.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> <b>6.26 Acres</b>		<small>DATE:</small> 10/20/2022 <small>REVISION DATES:</small>	
<small>AERIAL PHOTO &amp; QUARTER SEC. NO.</small> <b>QS 16-21</b>		<small>ZONING MAP</small> <b>H-6</b>	
<b>TO:</b> A-2 HGT/WVR ( 6.26 a.c.)		<b>* UNITS P.R.D. OPTION</b>	
<b>MULTIPLES PERMITTED</b> A-2 A-2 HGT/WVR		<b>CONVENTIONAL OPTION</b> N/A N/A	
* Maximum Units Allowed with P.R.D. Bonus		N/A N/A	



Maricopa County Assessor's Office



Miles

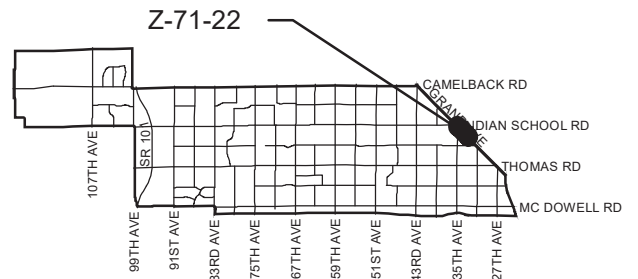
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**MARYVALE VILLAGE**

CITY COUNCIL DISTRICT: 4



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT



APPLICANT'S NAME: **Drake Switching Company LLC**

APPLICATION NO. **Z-71-22**

DATE: **10/20/2022**  
REVISION DATES:

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

**6.26 Acres**

AERIAL PHOTO & QUARTER SEC. NO. **QS 16-21**

ZONING MAP **H-6**

REQUESTED CHANGE:

FROM: **A-2 ( 6.26 a.c.)**

TO: **A-2 HGT/WVR ( 6.26 a.c.)**

**MULTIPLES PERMITTED**

**A-2**

**A-2 HGT/WVR**

**CONVENTIONAL OPTION**

**N/A**

**N/A**

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

**N/A**

**N/A**

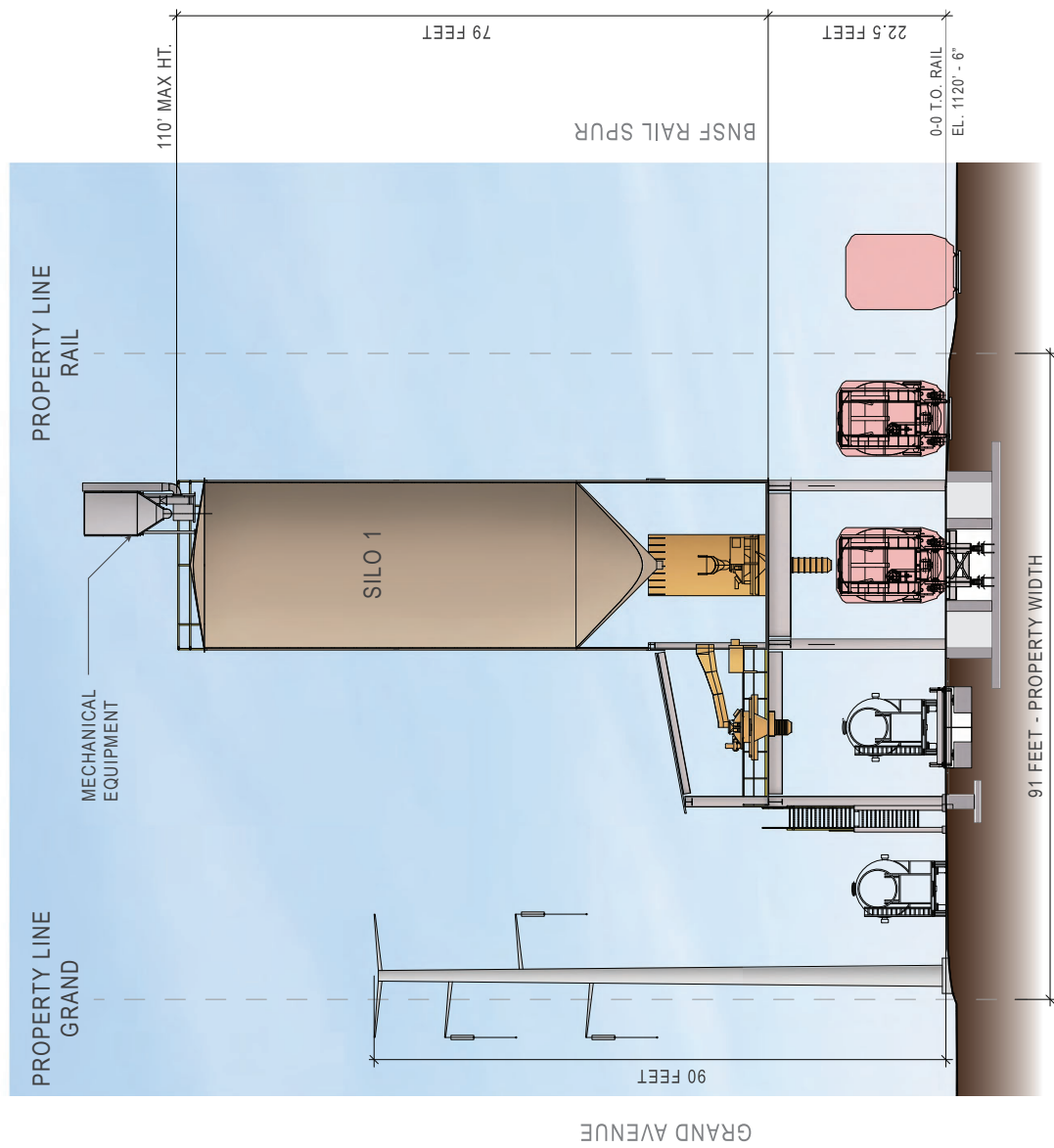
\* Maximum Units Allowed with P.R.D. Bonus











**CONCEPT IMAGE**  
 SECTION VIEW - SILO 1





**CONCEPT IMAGE**  
VIEW LOOKING SOUTHEAST

**CITY OF PHOENIX**  
SEP 28 2027  
Planning & Development  
Department





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# CONCEPT IMAGE

## VIEW LOOKING NORTHWEST

