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December 2019

RE: Notification Letter of Public Hearing; ZA-605-19; Southwest Corner of Camelback Road and Central Avenue

Dear Property Owner or Neighborhood Association:

The purpose of this letter is to inform you that we have submitted an application on behalf of our client, Cornerstone at Camelback LLC (the "Applicant" and the "Property Owner") to remove certain limitations on previously approved variances for a high-rise development at the southwest corner of Central Avenue and Camelback Road (the "Site"). Several variances were approved in 2007 to reconcile the then newly adopted TOD development standards with the approved underlying C-2 High-Rise zoning approved by the City Council in 2003 in light of the Site's irregular shape and the takings that have occurred. Specifically, we are requesting:

- To modify the time limit stipulation and removal of the remaining general conformance stipulations in Case ZA-206-17 for property located at the southwest corner of Camelback Road and Central Avenue; see Attachment No. 1.

These variance requests were originally approved in 2007 (ZA-409-07), but were subject to an initial 5-year time stipulation. While the time limit on the zoning was removed in 2006, the time limit on these variances has been limited despite the change of zoning. The property itself has also been undergoing extensive remediation by ADEQ, which has taken far longer than anticipated, and has been intermittently halted due to ADEQ funding issues, but has further delayed development of the Site. The Property Owner is still committed to developing the Site consistent with the approved zoning.

With regard to removal of the general conformance stipulations, the intent of "general conformance" has been changed since 2007 when these approvals were first obtained due to the City's adoption in 2012 of a precise definition for "general conformance," making conformance significantly more stringent. Moreover, application of that new definition for general conformance on the original 2007 exhibits and their conceptual nature has the potential to create significant interpretation problems at the time of site plan review. As such, this stipulation hinders the development of the Site.

This project is precisely the type and style of development that the City has and continues to seek in the Central Corridor. The Site utilizes and integrates with the Light Rail and implements as much of the TOD as is feasible given the property's history, circumstances and shape. We therefore respectfully request additional time in which to initiate development of the Site and removal of the general conformance stipulations so that these approved variances are a lasting part of the Site's entitlements.

The Zoning Adjustment Hearing for these actions will take place at the following location and date:

Phoenix City Hall
200 West Washington St.
1st Floor, Assembly Room C
January 9, 2020 at 1:30 p.m.

You may attend the hearing to learn about the case and make your opinions known. Please confirm the meeting details with the City of Phoenix Planning and Development Department before attending as they are subject to change. You may also express your opinions on this case by writing to the Planning and Development Department at 200 West Washington Street, 2nd Floor, Phoenix Arizona, 85003, and referencing the case numbers listed at the beginning of this letter. You can also send an email to zoning.adjustment@phoenix.gov. Please reference the above case number and hearing date in your email.

Attachment No. 1

The full list of the requested 2007 variances including the Zoning Ordinance code sections, the code requirements and the ZA stipulations as amended are listed provided below.

Variance #2: To reduce the minimum lot area for each dwelling unit to 125 square feet and 0 square feet for each hotel guestroom. Not less than 450 square feet for each dwelling unit and 200 square feet for each guestroom required, Section 631.B.2.a.
Denied as filed, but approved at 125 sf per dwelling unit. 50 sf per hotel room.

~~**Variance #3:** To increase the lot coverage to 80%; maximum 50% allowed, Section 631.B.2.a.
Section 631.B.2.e. Lot coverage and Sec. 662.I.2.b.
Approved.~~

Variance #4: To allow up to a 20-foot build-to line along Central Avenue and Camelback Road; Maximum 6-foot build-to line required, Section 662.I.1.a. (formerly Section 662.H.1.a.)
Approved subject to general conformance with site plan and elevations.

Variance #5: To reduce the shading method ratios; 25% structured shading along entire length of building proposed (75 50% required), and 25% other methods of shading along entire length of building (75 50% required), Section 662 I.2.c. (formerly Section 662.H.1.c. Shading methods.)

*NOTE: *The previous TOD standard of 50% was changed by the City to 75% after the Variance was approved.*
Approved for a minimum depth of 10 feet from building façade and subject to general conformance with site plan and elevations.

Variance #6: To allow a maximum of 150% of the City required parking spaces; Maximum 125% allowed, Section 662 L.1. (formerly Section 662.K.1.)
Approved subject to general conformance with site plan and elevations.

Variance #7: To reduce the number of loading berths to 5; Minimum 7 loading berths for up to 490,000 square feet of aggregate floor area plus 1 additional berth for each additional 90,000 square feet of aggregate gross floor area, Section 702.B.2. (aka Section H.2.)
Approved, subject to design mitigation to prevent vehicles which are loading or unloading from entering adjacent neighborhoods as determined by the Development Services Department (which now means PDD) and subject to general conformance with site plan and elevations.

Variance #8: To reduce minimum building frontage to 45% along Camelback Road and 35% along Central Avenue; Minimum 75% building frontage required, Section 662 I.2.a. (formerly Section 662.H.2.a.) *NOTE: This variance assumed that Central and Camelback were classified as "transit streets".*
Approved subject to general conformance with site plan and elevations.

Variance #9: To allow non-clear windows along the building frontage length onto Camelback Road and Central Avenue; Minimum 60" 50% clear windows required, Section I.2.a. (formerly Section 662.H.2.a. **The previous TOD standard of 50% was changed by the City to 60% after the Variance was approved.*)
Denied as filed, but approved for a maximum of 22% tint for 1st and 2nd floors. Level of reflectivity above 2nd floor as approved by DSD (which now means PDD) and subject to general conformance with site plan and elevations.

Variance #10: To not provide a main building entry oriented towards transit platform; Main building entry oriented toward transit platform and/or primary pedestrian accessway required, Section 662 I.2.b. (formerly Section 662.H.2.b.)
Approved, with a secondary entrance oriented toward transit platform as approved by DSD (now PDD) and subject to general conformance with site plan and elevations.



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT
APPLICATION FOR ZONING ADJUSTMENT
APPLICATION NO: ZA-605-19

CASE TYPE: Variance
DATE FILED: 12/6/2019

COUNCIL DISTRICT: 4
CASE STATUS: Pending

EXISTING ZONING: C-2 HR TOD-1
FILING STAFF: Igomes

Fee	Fee Waived	Fee Date	Receipt	Purpose
\$3,750.00	\$0.00	12/06/2019		Original Filing Fee

HEARING DATES

ZA: 01/09/2020 1:30 PM LOCATION: 200 West Washington Street, 1st Floor, Assembly Room C

BOA:

PROPERTY LOCATION: Southwest corner of Central Avenue and Camelback Road

LEGAL DESCRIPTION: See attached

CONTACT INFORMATION

NAME	ADDRESS	PHONE	FAX	EMAIL
Cornerstore at Camelback LLC (Owner, Applicant)	11811 N Tatum Boulevard, 1051 Phoenix AZ 85028			
Stephen C. Earl Earl & Curley PC (Representative)	3101 N Central Avenue, 1000 Phoenix AZ 85012	(602) 265-0094		searl@earlcurley.com searl@earlcurley.com

If, during the course of review of a pending application, the applicant submits one or more additional applications that are related to the pending application, then and in such event, the substantive review time frame shall be reset on all related applications. In this event there shall be one applicable substantive review time for all of the related applications and the time frame shall be revised to be the longest substantive review time frame that was applicable to any one of the related applications. As a result, the entire substantive review time frame for the related applications shall start over, and a fee may be charged.

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.mailbox@phoenix.gov or visit our website at <http://phoenix.gov/pdd/licensetimes.html>.

In making this application, I understand that the filing of this application and payment of fees does not entitle me to the relief requested. (See Sec. 307 of City of Phoenix Zoning Ordinance for standards by which the hearing officer will review the application.) I understand the approval of this request does not replace the need for acquiring the appropriate building permits, site plan approval, liquor license or any other licenses required by governmental agencies. I also understand that in the case of liquor request approval of a use permit does not guarantee the CITY OF PHOENIX will recommend approval of the liquor license.

APPLICANT'S SIGNATURE: _____

DATE: 12/10/19

NOTE TO APPLICANT: SUCH USE PERMITS AND VARIANCES AS ARE GRANTED BY THE ZONING ADMINISTRATOR SHALL BE VOID IF THE USE IS NOT COMMENCED OR IF A BUILDING PERMIT IS NOT OBTAINED 60 DAYS OF SUCH GRANTING OR WITHIN THE TIME STIPULATED BY THE ADMINISTRATOR.

APPEALS OF DECISIONS OF THE ZONING ADMINISTRATOR MAY BE MADE BY ANY PERSON TO THE BOARD OF ADJUSTMENT WITHIN 15 DAYS AFTER THE DATE OF ACTIONS.

REQUEST

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|---|-----------|
| 1. Variance to reduce the minimum lot area for each dwelling unit to 125 square feet and 50 square feet for each hotel guestroom. Not less than 450 square feet for each dwelling unit and 200 square feet for each guestroom required. | 631.B.2.a |
| 2. Variance to allow up to a 20-foot build-to line along Central Avenue and Camelback Road. Maximum 6-foot build-to line required. | 662.I.1.a |
| 3. Variance to reduce the shading method ratios; 25% structured shading along entire length of building proposed (75% required), and 25% other methods of shading along entire length of building (75% required). | 662.I.2.c |
| 4. Variance to allow a maximum of 150% of the City required parking spaces. Maximum 125% allowed. | 662.L.1 |
| 5. Variance to reduce the number of loading berths to 5. Minimum 7 loading berths for up to 490,000 square feet of aggregate floor area plus 1 additional berth for each additional 90,000 square feet of aggregate gross floor area. | 702.B.2 |
| 6. Variance to reduce minimum building frontage to 45% along Camelback Road and 35% along Central Avenue. Minimum 75% building frontage required. | 662.I.2.a |
| 7. Variance to allow non-clear windows along the building frontage length onto Camelback Road and Central | 662.I.2.a |