



CITY OF EL MIRAGE

DEVELOPMENT APPLICATION FORM

Official Use
Case No: _____ Date Received: _____ Planning & Zoning Commission Meeting: _____ City Council Meeting: _____

PURPOSE

Development Applications are reviewed by the Technical Advisory Committee (TAC) with the intent to provide the applicant specific information in preparation to meeting the City's technical standards and requirements for the proposed development project.

ACTION REQUESTED (Check one)

- ___ Conditional Use Permit
___ General Plan Amendment: ___ Major ___ Minor
___ Planned Area Development (PAD)
___ Planned Area Development Amendment
___ Rezoning
___ Site Plan Approval
___ Site Plan Amendment
___ Preliminary Plat
___ Final Plat
x Other: Zoning Text Amendment

PROPERTY INFORMATION:

Name of Project: Copperwing Logistics Center Acreage: 1,335 acres
Property Address/Location: SWC El Mirage and Olive Avenue, El Mirage, AZ
Assessor's Parcel Number: various

APPLICANT / OWNER INFORMATION:

Applicant: Stephen Anderson, Gammage & Burnham Owner: John F. Long Family Revocable Living Trust U/A dated 2/26/08
Address: Two N Central Ave., 15th Floor Address: 1118 E. Missouri Avenue, Suite A
City/ST/Zip: Phoenix, AZ 85004 City/ST/Zip: Phoenix, AZ 85014
Phone: 602-256-4422 Phone: 602-272-0421 x508 (Tim Wright, Director of Real Estate)
Email: sanderson@ghlaw.com Email: tim@jflong.com
Signature: [Signature] Signature: [Signature]
(Agreement to act as agent for owner) (Authorization for agent to act for owner)

- ___ Application Form
___ Comprehensive Site Plan
___ Deed and/or Title Report
___ Drainage Report
___ A.L.T.A. Survey
___ Phase I Environment Site Assessment
___ Preliminary Landscape Plans
___ Filing Fee (see Fee Schedule starting on page 9)

GAMMAGE & BURNHAM, PLC

ATTORNEYS AT LAW

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March 13, 2020

Jorge Gastelum
Community Development Director
City of El Mirage
10000 N El Mirage Rd
El Mirage, AZ 85335

Via U.S. Mail and Email:
jgastelum@elmirageaz.gov

Re: Proposed Text Amendment

Dear Jorge:

On behalf of Copperwing Logistics Park and John F. Long Properties, we would like to propose an amendment to the City's Zoning Ordinance. We believe the City could substantially improve its economic competitiveness if it moved to administrative review of certain business site plans, the method used by most Valley jurisdictions.

Currently, the City requires a public hearing process for projects to achieve site plan review, adding both delay and uncertainty to the development process. By contrast, the City of Glendale does not conduct design review through a public review process. As a result, when large employment users need to move fast, they go to the City of Glendale, as recently seen with the White Claw facility. Likewise, the City of Phoenix has no public design review, and yet, along the Loop 101, they have produced attractive major users such as American Express and Mayo Clinic to the Desert Ridge project. These examples indicate that administrative design review can be as fast as the business community would like without sacrificing design quality. If El Mirage were to allow such review in limited circumstances, it could compete on a more level playing field with other local governments.

In today's competitive market, major businesses are accustomed to seeking and securing "shovel ready" sites. Sites that still face discretionary approvals simply cannot be described as "shovel ready." While Copperwing Logistics Park has been fortunate to secure some welcome end users to date, we have repeatedly encountered market resistance when end users discover they may be subject to a lengthy and discretionary design review process in the City of El Mirage, a challenge they do not face in the cities down the road. As a result, developments often pass by El Mirage without El Mirage even knowing about the missed opportunity, and the City's tax base suffers as a result.

The City's public design review requirement is particularly puzzling to our potential purchasers because the Logistics Park is both a Planned Area Development (PAD) and subject to CC&Rs. The very purpose of the PAD is to ensure a coherently master planned project, and is typically used to provide a developer with an incentive to use the PAD overlay. When the City lumps in PADs with the rest of the sites, the City undermines any incentive to use the PAD. Making our proposed change will encourage others to use the PAD overlay in the future. Using the Desert Ridge example from Phoenix again, that master planned community is entitled using a Specific Plan (a type of PAD) for zoning and also provides CC&Rs as well. If a Master Developer has secured the PAD entitlement in El Mirage, the City Ordinance ought to acknowledge that commitment by providing for a streamlined design review process.

To be clear, we are not suggesting that there be no design review, nor are we suggesting that City need create any new process. No design review at all would wrongly leave the City unprotected. Instead, we are only suggesting that the City allow the Community Development Department staff to carry out design review in a narrowly defined set of circumstances. And the design review process we are advocating is already a part of the City's Zoning Ordinance. Minor site plan review is a well established part of the City's existing Zoning Ordinance and implementation process.

In order to achieve this modest change, only a very limited change to the City Zoning Ordinance would be required. Our suggestion is that Section 154.154.A.2 be revised as follows:

Any other site plan (except for a Planned Area Development) is considered a minor site plan. Any Planned Area Development shall be reviewed according to the regulations of § 154.158. A site plan within a Planned Area Development previously approved by the City may be approved by the City Manager or his or her designee upon finding by the City Manager or his or her designee that the site plan is in substantial compliance with the approved Planned Area development.

We are making this request for a Text Amendment to the City's Zoning Ordinance pursuant to Section 154.150 of the City's Zoning ordinance.

Providing administrative Site Plan review and approval for only developments within the PAD will boost the City's economic competitiveness in the marketplace while continuing to provide the City with appropriate site planning authority via a process that already exists in the City's toolbox. We hope the City will consider and adopt this proposed revision.

Sincerely,

GAMMAGE & BURNHAM, P.L.C.

By

Stephen W. Anderson

§ 154.154 PROCEDURE FOR SITE PLAN APPROVAL.

(A) (1) *Generally.* For purposes of this chapter, site plans may be classified as major or minor site plans. All developments within the city except individual single-family and duplex residential units and city-owned facilities shall be subject to this chapter. A major site plan involves one or more of the following:

- (a) Forty or more dwelling units in a multiple-family structure or structures.
- (b) Fifteen thousand or more square feet of:
 1. Office space;
 2. Retail commercial space service commercial space; and/or
 3. Industrial space.
- (c) One or more buildings on one site for:
 1. Office use;
 2. retail commercial use;
 3. Service commercial use; and/or
 4. Industrial use.
- (c) Twenty thousand or more square feet of exterior storage of materials or goods; and
- (d) Parking for more than 80 vehicles.

(2) Any other site plan (except for a Planned Area Development) is considered a minor site plan. Any Planned Area Development shall be reviewed according to the regulations of § [154.158](#).

(3) The Planning and Zoning Commission has the right to review, and require revisions to, any proposed site plans, major or minor. The purpose of this review is to relieve demonstrable adverse impacts of the development upon public safety, health, or welfare; to protect public investments in roads, drainage facilities, sewage facilities, and the like; and to ensure that the regulations of the city are upheld.

(4) Additionally, the Planning and Zoning Commission may authorize the Zoning Administrator to conduct review of minor site plans. Any needed variances for major or minor site plans must be appealed to the Board of Adjustment.

(B) *Application of these procedures.* These procedures shall apply to all R-2, R-3, R-4, B-1, B-2, B-3, I-1, and I-2 rezonings and all non-single-family and duplex development within the city.

(1) For those rezoning requests that may not comply with the city general plan, the site plan shall be submitted in conjunction with the rezoning application.

(2) For those rezoning requests that may comply with the general plan, the site plan shall be submitted prior to any construction or development and may be submitted with the rezoning application.

(3) For those areas with desired zoning, the site plan shall be submitted prior to any construction or development.

(C) *Application for major or minor site plan approval.* Applications for major or minor site plan approval shall be on a form provided by the Zoning Administrator. Site plans may be submitted at any time; however, major site plans shall be submitted at least 17 days prior to the Planning and Zoning Commission at which they will be heard. The application shall be accompanied by the appropriate fee and development plans showing sufficient information for the Planning and Zoning Commission or city staff to determine whether the proposed development will meet the development requirements of the city. In all cases the application shall contain the following:

(1) General:

- (a) Name of project/development;
- (b) Location of project/development by street address;
- (c) Location map, including area within one-half mile of site;
- (d) Name and mailing address of developer/owner;
- (e) Name and mailing address of engineer/architect;
- (f) Date of plan preparation;
- (g) North point indicator;
- (h) Scale of not less than one inch to 100 feet; and
- (i) Names and addresses of property owners within 200 feet of site.

(2) Site plan, including:

- (a) Boundary line of property with dimensions;
- (b) Location, identification, and dimension of existing and proposed data, to a distance of 100 feet unless otherwise stated:
 - 1. Topographic contours at a minimum interval of two feet;
 - 2. Adjacent streets and street rights-of-way to a distance of 150 feet, except for sites adjacent to major arterial streets where the distances shall be 200 feet;
 - 3. On-site streets and rights-of-way;
 - 4. Ingress and egress points;
 - 5. Traffic flow on-site;
 - 6. Traffic flow off-site;
 - 7. Utilities and utility rights-of-way or easements;

- a. Electric;
 - b. Natural gas;
 - c. Telephone, cable TV;
 - d. Water; and
 - e. Sewer (sanitary treated effluent and storm)
8. Buildings and structures;
 9. Parking facilities;
 10. Water bodies;
 11. Surface water holding ponds and drainage ditches surface water drainage arrows;
 12. Significant rock outcroppings;
 13. Sidewalks, walkways, driveways, loading areas and docks, bikeways;
 14. Fences and walls;
 15. Exterior signs;
 16. Exterior refuse collection areas;
 17. Exterior lighting; and
 18. Landscaping (detailed plan showing plantings, equipment, and the like):
 - a. Botanical and common names of vegetation to be used;
 - b. Size of plantings at time of planting and at maturity; and
 - c. Areas to be irrigated.
- (c) Number of employee and non-employee parking spaces, existing and proposed, and total square footage of each;
- (d) Site statistics including site square footage, percent of site coverage (building and parking), dwelling unit density, percent park or open space; and
- (e) Reproducible copy of the site plan with appropriate signatures shall be submitted upon approval.
- (3) Building information (on-site), including:
- (a) Height above mean sea level of the lowest floor when the structure is proposed to be located in a floodway or floodplain area;
 - (b) Gross square footage of existing and proposed structures; and
 - (c) Front, rear, and side elevations, with a description of exterior materials to be used.

(4) Permits:

(a) A listing of all required federal, state, and city permits and status of applications;

(b) Certificate of 100-year assured water supply; and

(c) Certificate showing compliance with minimum county and state water quality standards.

(D) *Notification of site plan review.*

(1) *Major site plan.* A notice of major site plan review shall be mailed at least ten days prior to the Planning and Zoning Commission meeting to each owner of property situated wholly or partially within 200 feet of the property to which the site plan relates. The Zoning Administrator shall be responsible for mailing the notices. For the purpose of giving mailed notice, the Zoning Administrator shall require the owner of the property affected to furnish the names and addresses of all property owners within 200 feet of the property.

(2) *Minor site plan review.* A notice of minor site plan review shall be mailed within two working days of the date of the site plan approval application to each owner of property situated wholly or partially within 200 feet of the property to which the site plan relates. The Zoning Administrator shall be responsible for mailing the notices. For purpose of giving mailed notice, the Zoning Administrator shall require the owner of the property affected to furnish the names and addresses of all property owners within 200 feet of the property.

(a) If written protest to any minor site plan is received from any notified property owner within ten days of the mailing date of notification, the minor site plan shall become reclassified a major site plan.

(b) No additional application shall be required, however, all requirements and procedures governing major site plan shall then apply.

(E) *Minor site plan review.*

(1) In considering applications for minor site plan approval under this chapter, the city staff, if authorized by the Commission, shall consider the following: relationship of the plan elements to conditions both on and off the property; conformance to the city's zoning ordinance; conformance to the city's general plan; the impact of the plan on the existing and anticipated traffic and parking conditions; the adequacy of the plan with respect to land use; pedestrian and vehicular ingress and egress; building location and height; landscaping; lighting; provisions for utilities; site drainage; open space; loading and unloading areas; grading; signage; screening; setbacks; and other related matters.

(2) The city staff shall meet with the applicant upon request. The city staff shall also consider oral or written statements from the public or other city staff members. A decision shall be made on a minor site plan within 15 days of the date of application.

(3) If the city staff shall determine that the proposed site plan will not be detrimental to the health, safety, or welfare of the community nor will cause traffic congestion or seriously depreciate surrounding property values and at the same time is in harmony

with the purposes and intent of this chapter, the plan for the area, and the general plan, the staff will recommend to the City Council, to grant the site plan approval, and the conditions and safeguards be imposed as they deem necessary. Staff shall notify the Planning and Zoning Commission at its next regular meeting of any site plan approvals.

(4) Minor site plan approval applications may be denied by city staff upon finding and determination by the staff that the conditions required for approval do not exist.

(5) When a minor site plan approval application is denied by city staff, an appeal may be taken to the Planning and Zoning Commission. If unusual or significantly difficult conditions exist which affect the site plan, the Zoning Administrator may determine and require that the site plan be reviewed and acted upon by the Planning and Zoning Commission.

(F) *Major site plan review.*

(1) In considering applications for major site plan approval under this chapter, the Planning and Zoning Commission shall consider the following: relationship of the plan elements to conditions both on and off the property; conformance to the city's zoning ordinance; conformance to the city's general plan; the impact of the plan on the existing and anticipated traffic and parking conditions; the adequacy of the plan with respect to land use; pedestrian and vehicular ingress and egress; building location and height; landscaping; lighting; provisions for utilities; site drainage; open space; loading and unloading areas; grading; signage; screening; setbacks; and other related matters.

(2) The Planning and Zoning Commission shall consider oral or written statements from the applicant, the public, city staff members, or its own members. It may question the applicant and approve, deny, or table the development proposal. The application may not be tabled for more than two regular meetings of the Commission.

(3) If the Commission shall determine by motion that the proposed site plan will not be detrimental to the health, safety, or welfare of the community nor will cause traffic congestion or seriously depreciate surrounding property values and at the same time is in harmony with the purposes and intent of this chapter, the plan for the area, and the comprehensive plan, the Commission will recommend to the City Council to grant the site plan approval and impose such conditions and safeguards as they deem necessary.

(4) Site plan approval applications may be denied by motion of the Commission when the motion or consent shall constitute a finding and determination by the Commission or staff that the conditions required for approval do not exist.

(G) *Duration of site plan approval.* An approved site plan shall be valid for one year from its date of approval, or until the zoning on a particular site lapses, whichever occurs first.

(H) *Amendments to approved site plans.*

(1) Any amendment or modification to an approved site plan shall be submitted for approval. All amendments shall be shown on a revised site plan drawing.

(2) Amendments to minor site plans shall be submitted to city staff who may, if authorized by the Commission, approve the amendment(s) if they determine that the amendment(s) are acceptable to the city.

(3) Amendments to major site plans previously approved by the Planning and Zoning Commission may be approved by the Chairperson and Secretary of the Commission upon finding by the Chairperson and Secretary of the Commission that the amended site plan is in substantial compliance with the originally approved site plan. If it is determined that the amended site plan is not in substantial compliance with the originally approved site plan, the application shall be resubmitted and shall be subject to divisions (C), (D), and (F) above.

(Prior Code, § 12-7-4) (Ord. O11-09-17, passed 9-22-2011)