

**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 01/13/2015  
Agenda Item: 4**

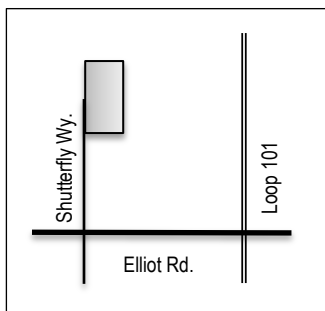
**ACTION:** Hold a public hearing for an appeal of the decision by the Hearing Officer to approve Use Permit ZUP14119 to allow the use of trucks in excess of five (5) ton capacity before 6:00 a.m. or after 10:00 p.m. for DISCOVERY BUSINESS CAMPUS – DEVELOPMENT SITE 6, located at 7195 South Shutterfly Way. The appellant is Sherida Sowell.

**FISCAL IMPACT:** There is no fiscal impact on City funds.

**RECOMMENDATION:** None.

**BACKGROUND INFORMATION:** DISCOVERY BUSINESS CAMPUS – DEVELOPMENT SITE 6 (PL140127) is a proposed 328,000 square foot office, manufacturing, and warehouse building within the Discovery Business Campus Planned Area Development. Site 6 received Development Plan Review approval in 2011 and approval of an amended minor DPR in 2014. The building will house Shutterfly, a manufacturer of photo-related products. On November 18, 2014, the Hearing Officer heard and approved two Use Permits to 1) exceed the Parking Maximum (125%) (ZUP14118) and 2) allow the use of trucks in excess of five (5) ton capacity before 6:00 a.m. or after 10:00 p.m. (ZUP14119). The appellant resides in the Camelot Village 5 subdivision, located to the north of the subject site, and has appealed the decision of the Hearing Officer to approve ZUP14119. The request includes the following:

UPA14004 Appeal Hearing Officer decision to approve Use Permit (ZUP14119) to allow the use of trucks in excess of five (5) ton capacity before 6:00 a.m. and after 10:00 p.m.



Appellant	Sherida Sowell
Project Property Owner	Tempe Campus Lot 2, LLC
Project Applicant	Manjula M. Vaz, Gammage & Burnham P.L.C.
Zoning District	GID PAD GIOD (General Industrial District, Planned Area Development Overlay, General Industrial District Overlay)
Lot Size	16.54 acres
Building Area	328,000 sq. ft. (at full build-out)
Building Height	33 ft. (35 ft. max. allowed)
Building Setbacks	30' west, 22' east, 121' north, 541' south (25', 0', 0', 0' required)
Lot Coverage	40% (100% max. allowed)
Landscape area	23% (15% min. required)
Parking Lot Landscape	31% (22 min. required)
Vehicle Parking	416 (Phase 1) & 491 (Phases 1+2) / 806 (at full build-out)
Bicycle Parking	35/33
Hours of Operation	24 hours/day (September through December only)

**ATTACHMENTS:** Development Project File

**STAFF CONTACT(S):** Karen Stovall, Senior Planner (480) 350-8432

Department Director: Dave Nakagawara, Community Development Director  
 Legal review by: N/A  
 Prepared by: Karen Stovall, Senior Planner



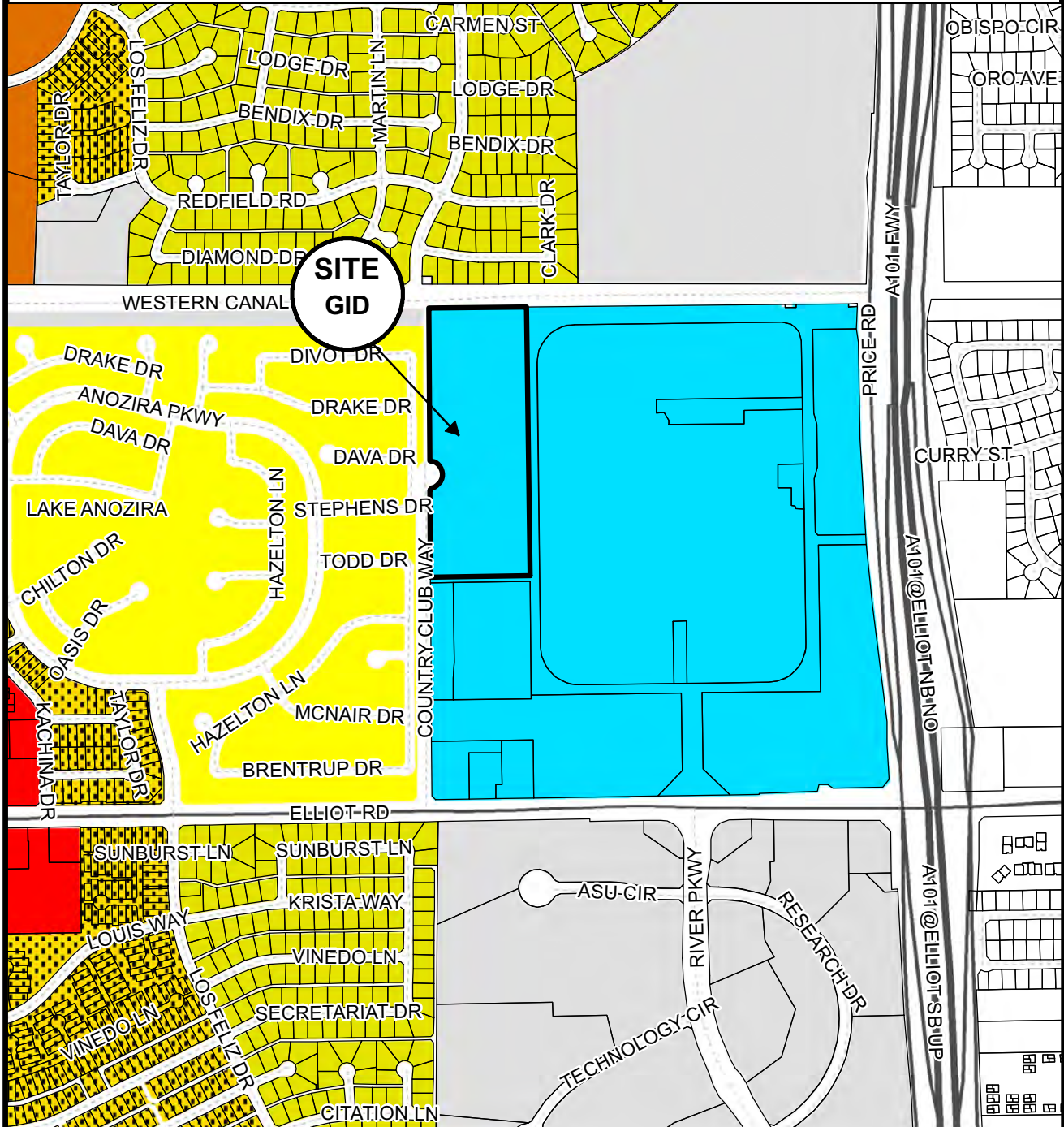
**DEVELOPMENT PROJECT FILE**  
for  
**DISCOVERY BUSINESS CAMPUS – DEVELOPMENT  
SITE 6 APPEAL  
(PL140127)**

**ATTACHMENTS:**

1. Location Map
2. Aerial
- 3-4. PAD for Discovery Business Campus
- 5-13. Letter of Explanation
14. Overall Master Site Plan
15. Site Plan
16. Landscape Plan
17. Parking Lot Shade Study
- 18-56. Letters and Petitions of Opposition
- 57-62. Staff Report for Discovery Business Campus – Development Site 6  
Hearing Officer Hearing November 18, 2014
- 63-69. Hearing Officer Minutes of November 18, 2014
- 70-83. Letter of Appeal and Petition Attachment
84. Letter of Opposition Received Following Appeal

**DISCOVER BUSINESS CAMPUS -  
DEVELOPMENT SITE 6**

**PL140127**



**Location Map**



**DISCOVER BUSINESS CAMPUS -  
DEVELOPMENT SITE 6**

**PL140127**



**Aerial Map**



# PLANNED AREA DEVELOPMENT OVERLAY FOR DISCOVERY BUSINESS CAMPUS

THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN,  
MARICOPA COUNTY, ARIZONA

## ACKNOWLEDGEMENT

ON THIS 20th DAY OF November, 2011, BE-FOR ME, THE UNDERSIGNED, PERSONALLY APPEARED James A. Hester, WHO ACKNOWLEDGED HIMSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL

BY: James A. Hester  
NOTARY PUBLIC



TEMPE CAMPUS SPV L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY:

BY: James A. Hester OWNER AUTHORIZED SIGNATORY DATE: 11-20-11

ITS: OWNER

## LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA AND IS DESCRIBED AS FOLLOWS:  
THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 1 SOUTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE EAST 55 FEET; AND  
EXCEPT THE SOUTH 55 FEET; AND  
EXCEPT THE WEST 33 FEET; AND

EXCEPT ANY PORTION OF SAID SOUTHEAST QUARTER LYING WITHIN THE WESTERN CANAL AS SET FORTH IN PLAT RECORDED IN BOOK 181 OF MAPS, PAGE 14, RECORDS OF MARICOPA COUNTY, ARIZONA; AND

EXCEPT THOSE PORTIONS SET FORTH IN INSTRUMENT RECORDED IN RECORDING NO. 93-0631576, AMENDED IN INSTRUMENT RECORDED IN RECORDING NO. 97-0703528, RECORDS OF MARICOPA COUNTY, ARIZONA; AND

EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT A POINT 55.00 FEET WEST OF AND 55.00 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SECTION 12;  
THENCE WEST PARALLEL TO THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 20.00 FEET;

THENCE NORTHEASTERLY TO AN INTERSECTION WITH A LINE PARALLEL TO AND 55.00 FEET WEST OF THE EAST LINE OF SAID SECTION 12, SAID INTERSECTION BEING 20.00 FEET NORTH OF THE POINT OF BEGINNING;

THENCE SOUTH 20.00 FEET TO THE POINT OF BEGINNING IN DOCKET 13239, PAGE 67, RECORDS OF MARICOPA COUNTY, ARIZONA; AND  
EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT A POINT 55.00 FEET NORTH OF AND 33.00 FEET EAST OF THE SOUTH QUARTER CORNER OF SAID SECTION 12;

THENCE NORTH ALONG A LINE PARALLEL TO AND 33.00 FEET EAST OF THE WEST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 20.00 FEET;

THENCE SOUTHEASTERLY TO AN INTERSECTION WITH A LINE PARALLEL TO AND 55.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER, SAID INTERSECTION BEING 20.00 FEET EAST OF THE POINT OF BEGINNING;

THENCE WEST 20.00 FEET TO THE POINT OF BEGINNING IN DOCKET 13239, PAGE 67; AND

EXCEPT THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 12, DESCRIBED AS FOLLOWS:

THE WEST 87 FEET OF THE EAST 410 FEET OF THE SOUTH 17 FEET OF THE NORTH 34.5 FEET AND THE WEST 59 FEET OF THE EAST 745 FEET OF THE SOUTH 17 FEET OF THE NORTH 34.5 FEET AS MEASURED ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION 12;

THE NORTH LINE OF THE ABOVE DESCRIBED PARCELS ARE COINCIDENT WITH THE SOUTH LINE OF THE WESTERN CANAL.

## APPROVAL

APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPE ON THIS 11TH DAY OF NOVEMBER, 2011.

## OWNER/DEVELOPER

Tempe Campus SPV LLC  
2701 E. Camelback Road #185  
Phoenix, AZ. 85016  
Contact: Tim Chester  
Phone: (602)296-1096  
FAX: (602)296-0001  
Email: tchester@wentprop.com

## SITE VICINITY MAP



## PROJECT DATA

ZONING DISTRICT(S) AND OVERLAY(S)  
G.I.D. PAD - GENERAL INDUSTRIAL DISTRICT

BUILDING HEIGHT  
Maximum Proposed = 132'-0"  
Maximum Allowed = 35 ft  
(SEE SITE DATA FOR HEIGHT ALLOWANCES)

BUILDING LOT COVERAGE  
Provided = 25%  
Required = NS

SITE LANDSCAPE COVERAGE  
40.69 AC / 135.62 AC = 30%  
Minimum Required = 10%

## BUILDING SETBACKS

FRONT 25 FT  
PARKING 20 FT

SIDE 0 FT

REAR 0 FT

STREET SIDE 25 FT  
PARKING 20 FT

## VEHICLE PARKING QUANTITY

REQUIRED:  
HOTEL USES: (1 PER ROOM+OFFICE) 420  
OFFICE USES: (1 PER 300 SF) 3,333  
RETAIL USES: (1 PER 300 SF) 100  
INDUSTRIAL USES: 2,210  
TOTAL REQUIRED: 6,096

PROVIDED: 7,600

## BICYCLE PARKING QUANTITY

272 spaces provided

## USE TOTALS:

HOTEL: 240,000 SF  
OFFICE: 1,000,000 SF  
RETAIL: 30,000 SF  
INDUSTRIAL: 1,300,000 SF

## SITE 4 (OFFICE):

SITE AREA: 12.30 NET ACRES  
163,146 SF  
BUILDING AREA: 300,000 SF  
BUILDING HEIGHT: 92'-0" / 5 STORY  
LANDSCAPE AREA: (MIN. 15%) 80,347 SF

## SITE 1 (HOTEL):

SITE AREA: 2.83 NET ACRES  
123,355 SF  
BUILDING AREA: 120,000 SF  
200 ROOMS  
BUILDING HEIGHT: 80'-0" / 6 STORY  
LANDSCAPE AREA: (MIN. 15%) 18,503 SF

## SITE 5 (RETAIL):

SITE AREA: 3.75 NET ACRES  
163,146 SF  
BUILDING AREA: 30,000 SF  
BUILDING HEIGHT: 30'-0" / 1 STORY  
LANDSCAPE AREA: (MIN. 15%) 21,472 SF

## SITE 2 (HOTEL):

SITE AREA: 2.83 NET ACRES  
123,355 SF  
BUILDING AREA: 120,000 SF  
200 ROOMS  
BUILDING HEIGHT: 80'-0" / 6 STORY  
LANDSCAPE AREA: (MIN. 15%) 18,503 SF

## SITE 6 (INDUSTRIAL):

SITE AREA: 12.40 NET ACRES  
164,368 SF  
BUILDING AREA: 300,000 SF  
BUILDING HEIGHT: 35'-0" / 2 STORY  
LANDSCAPE AREA: (MIN. 15%) 81,055 SF

## SITE 3 (OFFICE):

SITE AREA: 16.85 ACRES  
734,149 SF  
BUILDING AREA: 700,000 SF  
BUILDING HEIGHT: 132'-0" / 8 STORY MAX.  
LANDSCAPE AREA: (MIN. 15%) 110,122 SF

## SITE 7 (INDUSTRIAL):

SITE AREA: 84.89 NET ACRES  
3,697,871 SF  
BUILDING AREA: 1,000,000 SF  
APPROXIMATE EXISTING  
BUILDING HEIGHT: 40'-0"  
APPROXIMATE EXISTING  
LANDSCAPE AREA: (MIN. 15%) 554,680 SF

## CONDITIONS OF APPROVAL: PAD11007

PAD11007 (ORDINANCE NO. 2011-47) - PLANNED AREA DEVELOPMENT OVERLAY MODIFYING THE GENERAL DEVELOPMENT STANDARDS FOR AN INCREASE IN THE MAXIMUM ALLOWED BUILDING HEIGHTS FROM 35 FEET FOR SITE #1 TO 80 FEET, FOR SITE #2 TO 80 FEET, FOR SITE #3 TO 132 FEET, AND FOR SITE #4 TO 92 FEET.

ZUP11062 - USE PERMIT REQUEST TO ALLOW HOTEL USES ON SITE #1 AND SITE #2.

ZUP11064 - USE PERMIT REQUEST TO ALLOW GENERAL RETAIL/RESTAURANT USES ON SITE #5.

DPRI1122 - DEVELOPMENT PLAN REVIEW INCLUDING SITE PLAN, BUILDING ELEVATIONS AND LANDSCAPE FOR SITES #3, #4, AND #6.

THE APPROVAL IS SUBJECT TO THE FOLLOWING CONDITION (S):

PAD11007  
1. A BUILDING PERMIT SHALL BE OBTAINED FOR DEVELOPMENT OF THE SITE ON OR BEFORE NOVEMBER 3, 2016, OR THE OVERLAY FOR THE PROPERTY MAY REVERT TO THAT IN PLACE AT THE TIME OF APPLICATION, SUBJECT TO A PUBLIC HEARING.

2. THE PROPERTY OWNER (S) SHALL SIGN A WAIVER OF RIGHTS AND REMEDIES FORM. BY SIGNING THE FORM, THE OWNER (S) VOLUNTARILY WAIVE (S) ANY RIGHT TO CLAIM COMPENSATION FOR DIMINUTION OF PROPERTY VALUE UNDER A.R.S. 12-1134 THAT MAY NOW OR IN THE FUTURE EXIST, AS A RESULT OF THE CITY'S APPROVAL OF THIS APPLICATION, INCLUDING ANY CONDITIONS, STIPULATIONS AND/OR MODIFICATIONS IMPOSED AS A CONDITION OF APPROVAL. THE SIGNED FORM SHALL BE SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT NO LATER THAN DECEMBER 17, 2011, OR THE PLANNED AREA DEVELOPMENT OVERLAY APPROVAL SHALL BE NULL AND VOID.

3. EACH SITE SHALL PROVIDE CONTRIBUTION TO THE OVERALL REQUIRED ART IN PRIVATE DEVELOPMENT FOR THE DISCOVERY BUSINESS CAMPUS, SUBJECT TO THE BUILDING AREA SUBMITTED AT THE TIME OF DEVELOPMENT WHEN PROPOSED FOR BUILDING PERMITS.

4. THE PLANNED AREA DEVELOPMENT FOR DISCOVERY BUSINESS CAMPUS SHALL BE PUT INTO PROPER ENGINEERED FORMAT WITH APPROPRIATE SIGNATURE BLANKS AND KEPT ON FILE WITH THE CITY OF TEMPE'S COMMUNITY DEVELOPMENT DEPARTMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.

4.1. THE FOLLOWING CONDITIONS OF APPROVAL SHALL APPLY TO THE RETAIL PADS LOCATED AT THE SOUTHWEST CORNER OF THE SITE:

- A) THE FOLLOWING USES SHALL BE PROHIBITED:
- ADULT-ORIENTED BUSINESSES;
  - AUTO BODY REPAIR SHOPS;
  - AUTO TITLE LOAN BUSINESSES;
  - GUN SHOPS;
  - LIQUOR STORES;
  - NIGHTCLUBS;
  - NON-CHARTERED FINANCIAL INSTITUTIONS (I.E. PAYDAY LOANS);
  - PAWN SHOPS;
  - TATTOO, BODY PIERCING ESTABLISHMENTS;
  - TIRE STORES;
  - TOBACCO RETAILERS;
  - VEHICLE REPAIR SHOPS AND/OR SERVICE STATIONS

B) THAT THE WESTERMOST RETAIL PAD SHALL BE SETBACK A MINIMUM OF 50 FEET FROM THE WEST PROPERTY LINE AND THAT ALL AREAS BETWEEN THE WESTERMOST RETAIL PAD AND THE WEST PROPERTY LINE SHALL BE LANDSCAPED.

ZUP11063 AND ZUP11064  
CONDITIONS OF APPROVAL:

5. THE USE PERMIT FOR GENERAL RETAIL AND RESTAURANT USES IS VALID ONLY FOR SITE #5 OF DISCOVERY BUSINESS CAMPUS PAD, WITHOUT EXPIRATION, AND MAY BE TRANSFERABLE TO SUCCESSORS IN INTEREST THROUGH AN ADMINISTRATIVE REVIEW WITH THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE. THE LIST OF USES ALLOWED FOR THIS USE PERMIT ARE LIMITED TO ALL RESTAURANTS AND GENERAL RETAIL AND SERVICE USES LISTED WITHIN THE ZONING AND DEVELOPMENT CODE, APPENDIX M. ALL OTHER USES SPECIFICALLY IDENTIFIED WITHIN THE CODE WILL REQUIRE A SEPARATE USE PERMIT.

6. THE USE PERMIT FOR HOTEL USES IS VALID ONLY FOR SITE #1 AND #2 OF DISCOVERY BUSINESS CAMPUS PAD, WITHOUT EXPIRATION, AND MAY BE TRANSFERABLE TO SUCCESSORS IN INTEREST THROUGH AN ADMINISTRATIVE REVIEW WITH THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE.

7. NEON LIGHTING, SUCH AS ACCENT LIGHTING ON THE BUILDING OR WITHIN WINDOWS, IS PROHIBITED WITHIN SITE #5.

8. ANY INTENSIFICATION OR EXPANSION OF THE USE, NOT DESCRIBED IN THIS REQUEST, SHALL REQUIRE THE APPLICANT TO RETURN TO AN APPROPRIATE DECISION-MAKING BODY FOR FURTHER REVIEW.

DAVIS

60 East Rio Salado Parkway  
Suite 118  
Tempe, Arizona  
85281

Phone: 480.638.1100  
Fax: 480.638.7001  
www.davisexperience.com

REC11026

DISCOVERY  
BUSINESS CAMPUS  
2100 East Elliot Road  
TEMPE, AZ

PAD11007

SCHEMATIC  
DESIGN DEVELOPMENT  
CONSTRUCTION DOCUMENTS  
RECORDING PACKAGE  
BUILDING PERMIT APPROVAL

DATE ISSUED 19-Aug-11

DRAWN BY

CHECKED BY

PROJECT NO. 10201

CADD FILE

DRAWING NO.

A000

PAD COVER SHEET  
SCALE AS NOTED

REC11026

PAD11007

PAD11007

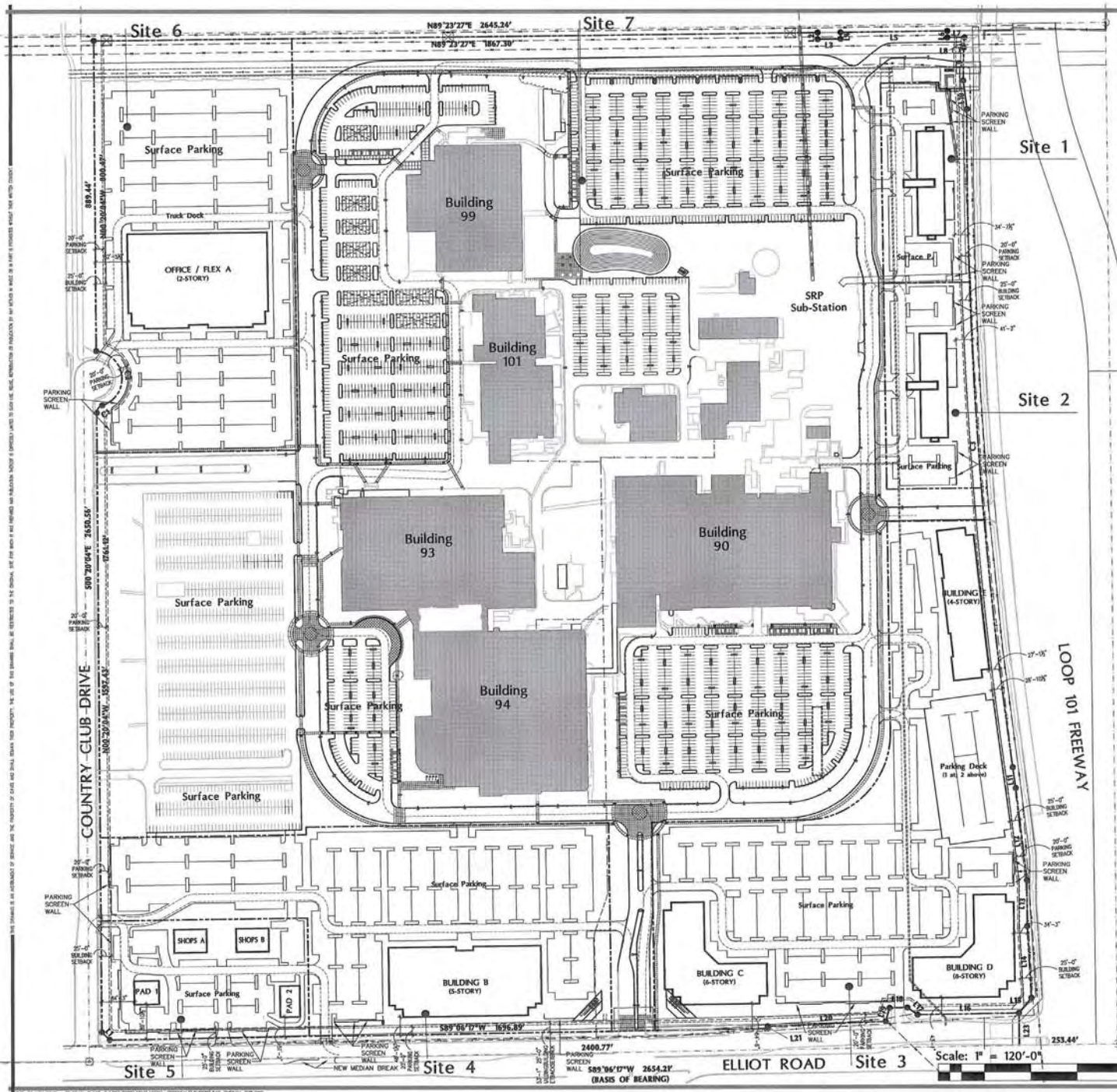
DS110333

PAD11007

REC11026

DS110333





**PROJECT TEAM:**  
**Applicant:** Gammage & Burnham P.L.C., Two North Central Avenue, 15th Floor, Phoenix, AZ 85004.  
**Contact:** Maryjula Vaz, Phone: (602)256-4461, FAX: (602)256-4475, Email: mvaz@gbllaw.com.  
**Owner:** Tempe Campus SPV LLC, 2701 E. Camelback Road #185, Phoenix, AZ 85016.  
**Contact:** Tim Chester, Phone: (602)296-1096, FAX: (602)296-0001, Email: tchester@eventprop.com.  
**Architect:** DAVIS, 60 E. Rio Salado Blvd. #118, Tempe, AZ 85281.  
**Contact:** Mike Edwards, Phone: (480)638-1100, FAX: (480)638-1101, Email: medwards@thedavisexperience.com.  
**Civil Engineer:** Erickson & Meeks Engineering, LLC, 13444 N 32nd Street, Suite 6, Phoenix, AZ 85032.  
**Contact:** Jeff Erickson, Phone: (602)569-6993, FAX: (602)569-6493, Email: jerickson@emelc.com.  
**Landscape Architect:** The Design Element, PLLC, 1230 W Washington Street, #202, Tempe, AZ 85281.  
**Contact:** Jeff Anderson, Phone: (480)244-8970, FAX: (480)244-8971, Email: jeffa@thedesignelements.com.

**PROJECT DATA:**  
**ADDRESS:** 2100 E. ELLIOT ROAD  
**GENERAL PLAN: PROJECTED LAND USE:** INDUSTRIAL/MANUFACTURING, OFFICE HOTEL, RETAIL.  
**SITE AREA:** 135.62 NET ACRES  
**NET SITE AREA:** 5,907,580 SF  
**PARKING DATA:** HOTEL USES: 420 (1 PER ROOM+OFFICE), OFFICE USES: 3,333 (1 PER 300 SF), RETAIL USES: 100 (1 PER 300 SF), TOTAL REQUIRED: 6,063, PROVIDED: 7,600.  
**SITE 1 (HOTEL):** SITE AREA: 2.83 NET ACRES, BUILDING AREA: 123,355 SF, BUILDING HEIGHT: 80'-0" / 6 STORY, LANDSCAPE AREA: (MIN. 15%) 18,503 SF.  
**SITE 2 (HOTEL):** SITE AREA: 2.83 NET ACRES, BUILDING AREA: 123,355 SF, BUILDING HEIGHT: 80'-0" / 6 STORY, LANDSCAPE AREA: (MIN. 15%) 18,503 SF.  
**SITE 3 (OFFICE):** SITE AREA: 16.85 ACRES, BUILDING AREA: 734,149 SF, BUILDING HEIGHT: 132'-0" / 8 STORY MAX., LANDSCAPE AREA: (MIN. 15%) 10,122 SF.  
**SITE 4 (OFFICE):** SITE AREA: 12.30 NET ACRES, BUILDING AREA: 535,650 SF, BUILDING HEIGHT: 300,000 SF, LANDSCAPE AREA: (MIN. 15%) 80,347 SF.  
**SITE 5 (RETAIL):** SITE AREA: 3.75 NET ACRES, BUILDING AREA: 163,146 SF, BUILDING HEIGHT: 30,000 SF, LANDSCAPE AREA: (MIN. 15%) 24,472 SF.  
**SITE 6 (INDUSTRIAL):** SITE AREA: 12.40 NET ACRES, BUILDING AREA: 540,368 SF, BUILDING HEIGHT: 300,000 SF, LANDSCAPE AREA: (MIN. 15%) 81,055 SF.  
**SITE 7 (INDUSTRIAL):** SITE AREA: 84.89 NET ACRES, BUILDING AREA: 3,697,871 SF, BUILDING HEIGHT: APPROXIMATE EXISTING 40'-0", LANDSCAPE AREA: APPROXIMATE EXISTING (MIN. 15%) 554,680 SF.

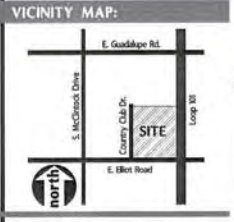
**PROPERTY LINE DATA:**

LINE	BEARING	LENGTH
L1	N45°36'53"W	28.15
L2	S00°31'38"E	17.00
L3	N89°23'27"E	59.00
L4	N02°31'38"W	17.00
L5	N89°23'27"E	276.00
L6	S00°31'38"E	17.00
L7	N89°23'27"E	44.54
L8	S04°25'22"W	27.30
L9	S01°03'15"W	84.47
L10	S07°20'43"E	74.26
L11	S08°00'48"E	54.06
L12	S02°47'55"E	240.00
L13	S00°11'00"E	119.47
L14	S03°17'41"E	184.55
L15	S39°42'39"W	50.97
L16	S89°08'17"W	262.54
L17	N55°11'24"W	32.18
L18	S89°08'17"W	46.01
L19	S16°41'18"W	36.18
L20	S87°49'54"W	304.83
L21	S00°53'43"E	5.24
L22	N89°37'28"E	26.07
L23	N00°53'43"W	83.55

CURVE	DELTA	RADIUS	ARC	CHORD
C1	73°30'02"	20.00	25.89	336°27'27"W 23.96
C2	158°46'13"	172.00	199.56	N08°09'08"W 141.54

Note: New buildings will be equipped with an automatic extinguishing system per City of Tempe BC.  
 Existing Buildings hatched in gray



**DAVIS**  
 60 East Rio Salado Parkway, Suite 118, Tempe, Arizona 85281  
 Phone: 480.638.1100, Fax: 480.638.1101, www.thedavisexperience.com

**DISCOVERY BUSINESS CAMPUS**  
 2100 E. ELLIOT ROAD, TEMPE, AZ

Express of Arizona  
 MICHAEL S. EDWARDS  
 ARCHITECT  
 AZ 00000001

SCHEMATIC  
 DESIGN DEVELOPMENT  
 CONSTRUCTION DOCUMENTS  
 WORKING PACKAGE  
 BUILDING DEPT. APPROVAL

DATE ISSUED: 19-Aug-11  
 DRAWN BY: [blank]  
 CHECKED BY: [blank]  
 PROJECT NO: 10201  
 CADD FILE: [blank]  
 DRAWING NO: [blank]

**A101**  
 OVERALL PHASE 1 SITE PLAN  
 SCALE: 1"=20'-0"

DS1010333 PAD11007 REC11026

# **DISCOVERY BUSINESS CAMPUS DEVELOPMENT SITE 6**

## **Applicant's Letter of Explanation Use Permit Applications**

Tempe Campus Lot 2 LLC ("Tempe Campus"), the Owner and Applicant, is continuing to redevelop the Office / Industrial Site (the "Site" or "Site 6") of the Discovery Business Campus (the "Discovery Business Campus" or the "Campus") to accommodate an office and production / warehouse facility for Shutterfly, Inc. ("Shutterfly"). Shutterfly, a family of brands offering personalized photo products and services, was included on Forbes 2013 list of America's Best Small Companies. As the leader in the digital personalized photo products and services market, Shutterfly helps its customers turn precious memories into lasting keepsakes (e.g. photo books, holiday cards, announcements, invitations, stationary etc.).

Site 6 is approximately 16.54 acres in size and is located at the northwest corner of the Campus. Specifically, Site 6 is located approximately 1,143 feet north of the northeast corner of the intersection of Shutterfly Way (formerly Country Club Way) and Elliot Road. The Campus, which is approximately 136 total acres in size, is generally bordered by the Loop 101 freeway to the east, the Arizona State University ("ASU") Research Park to the south across Elliot Road, the Western Canal and a City of Tempe water treatment facility to the north, and the Oasis at Anozira, Camelot Village, and Tempe Royal Palms neighborhoods located to the west, northwest and southwest, respectively. See **Exhibit A** for an aerial photograph of the Site and the Campus.

### **Applications**

Pursuant to Zoning and Development Code ("ZDC") Section 4-603.C.4, the Applicant is requesting a use permit to provide more surface parking for Site 6 than the maximum amount (614 spaces) allowed by right. In accordance with current market conditions and parking demand for office and production / warehouse uses in south Tempe, we are proposing a parking courtyard with 806 parking spaces at full build-out of the Site. As discussed below, the additional parking will not adversely impact nearby or adjoining properties.

Pursuant to ZDC Section 5-304.A, the Applicant is also requesting a use permit to allow limited use of delivery trucks exceeding five (5) tons in capacity between the hours of 10:00 p.m. and 6:00 a.m. during the months of September, October, November and December. As discussed below, the requested hours for loading and unloading delivery trucks will not adversely impact nearby or adjoining properties.

### **Discovery Business Campus Overview and PAD Overlay, Use Permit and DPR Approvals**

On November 17, 2011, the Tempe City Council approved a planned area development overlay for the Discovery Business Campus, a use permit for hotel use (Sites 1 and 2), a use permit for support retail and restaurant uses (Site 5), and a development plan for the office building sites (Sites 3, 4 and 6) (the "Council Approval"). The Council Approval allows the development of the following on the Campus:



- Site 1 and 2 - two (2), six-story hotels with a combined total of 400 guest rooms and a combined total gross floor area of up to 240,000 square feet;
- Site 3 –four, six and eight-story office buildings with a combined gross floor area of up to 700,000 square feet;
- Site 4 – five-story office building with a gross floor area of up to 300,000 square feet;
- Site 5 – three (3), one-story general retail/restaurant pads with a combined total gross floor area of up to 30,000 square feet;
- Site 6 – two-story office / flex space building with a gross floor area of up to 300,000 square feet; and,
- Site 7 – five (5), two-story existing industrial / office buildings with a combined floor area of approximately 1,000,000 square feet

On April 9, 2013, the Tempe Development Review Commission approved a development plan review (“DPR”) application for a 9,027 square foot general retail and restaurant building on the west 1.74 acres of Site 5.

On May 5, 2014, the Tempe Community Dev. Dept. approved a DPR application for Site 6 to accommodate the development of a contemporary 328,000 square foot office and production / warehouse facility building.

On June 20, 2014, the Applicant filed DPR modification and separate site and landscape plan applications for Site 4 with the Tempe Community Dev. Dept. The intent of the applications, which are currently being reviewed by the Tempe Planning Division, is to provide a contemporary 158,000 square foot office building and associated parking and landscaping improvements on Site 4 that fit well into both the physical and surrounding built environments, create visual interest and provide a secure and inviting environment.

On July 22, 2014, the Tempe Development Review Commission approved DPR and use permit applications to allow the development of a 5,322 square foot Kneaders restaurant with a drive-through on the east 1.23 acres of Site 5.

At build-out, Discovery Business Campus will provide up to 2,580,000 square feet of building area. The Campus will provide an aesthetically pleasing corporate business park and employment center with architectural elements designed to 1) bring additional employment opportunities to Tempe, 2) create a recognizable place to work and stay, 3) complement the existing uses of the Campus and ASU Research Park, 4) provide an appropriate transitional use between the Loop 101 / Price Freeway to the east and the residential neighborhoods to the west, and 5) further stimulate economic activity in south Tempe along the Loop 101 / Price Freeway corridor.

## **Planning Context**

### **General Plan 2040**

The land use projected for the Campus by General Plan 2040 is Industrial and Mixed-Use. The land use projected for Site 6 by General Plan 2040 is Industrial. The Industrial category is designed to accommodate industrial uses (e.g. research, manufacturing, assembly, processing etc.) with offices and limited commercial activity. The Campus, including Site 6, is

exactly the type of mixed-use and employment center project envisioned by the General Plan, as it is not only designed to provide opportunities to work but is also designed to provide limited commercial and hospitality opportunities intended to support the Campus's employment uses.

## **Zoning**

The Discovery Business Campus, including Site 6, is zoned for general industrial district ("GID") uses with a planned area development (PAD) overlay. See **Exhibit B** for a current zoning map for the Campus, Office / Industrial Site and surrounding area. Due to being located across an alley and a canal from a single-family residential district, Site 6 is also located in the General Industrial Overlay District ("GIOD"). Both the GID and GIOD, which permit office and industrial uses by right, are intended for employment centers consisting of office uses, warehousing, wholesaling, assembling and manufacturing of building materials, machinery, and other commodities. The overall purpose of the GIOD is to provide a smooth transition from single-family residential districts. As detailed below, the additional parking and the limited use of delivery trucks exceeding five (5) tons in capacity between the hours of 10:00 p.m. and 6:00 a.m. proposed for Shutterfly will not adversely impact nearby or adjoining properties.

## **Site 6 and Project Description**

As shown by the aerial photograph provided in **Exhibit A**, Site 6 is located at the northwest corner of the Campus. This area of the Campus has been partially graded for the future development of Shutterfly with the remaining portions being occupied by existing surface parking and landscaping.

Site 6 has always been intended to accommodate industrial/office/flex space within the Campus for the purpose of providing additional high-quality employment opportunities within an office campus environment. The diverse nature of the existing and planned employment spaces throughout the Campus, including Shutterfly, will provide an environment where a variety of employment uses and opportunities can come together in one location.

Shutterfly's modest building height (35 feet) respects the Site's adjoining residential uses to the north and west. The design for Site 6 uses building placement and ample landscaping for the purposes of screening Shutterfly from adjoining uses and establishing an inviting environment conducive to an employment campus setting. To further screen the building from the neighborhood to the west, the height of the masonry wall located north of Shutterfly Way (formerly Country Club Way) will be increased from six (6) to eight (8) feet. In addition, although the north portion of the Site could be developed by right, the building has been placed entirely south of the existing masonry screen wall located approximately 100 feet south of the Site's north property line to respect the neighborhood located to the north across the Western Canal.

Likewise with the Campus, the overall architectural character of Site 6 emphasizes a contemporary urban design allowing for a timeless and modern look. The use of windows and varying materials, colors and textures provides visual interest and breaks up the massing of the building. Breaking up the building form throughout the Campus into multiple buildings also reduces the bulk and scale of the development, including Shutterfly, and adds to the desired campus setting. The varying sizes, floor plates and architectural elements of the Campus's

buildings, including Shutterfly, create visual interest for employees, patrons and neighboring residents.

Shutterfly itself includes up to 157,000 square feet of production / warehouse space and up to 80,000 square feet of office space to be provided in an initial development phase, up to an additional 91,000 square feet of production / warehouse space to be provided as a future expansion, 706 surface parking spaces to be provided as part of the initial development, and 100 additional surface parking spaces to be provided as part of the future expansion of the production / warehouse space.

The limited building height (35 feet) in combination with the minimum 30-foot building setback (approx. 62 feet when combined with the adjoining landscaped right-of-way portion for Shutterfly Way) provided along the Site's west property line and the minimum building setback of approx. 120 feet (approx. 315 feet for the initial development phase) provided along the Site's north property line will ensure that Shutterfly is compatible with the neighborhoods to the west and north. The screening of the building by significant landscaped areas along both the west and north property lines, the placement of the truck court on the east side of the building, and the south and eastward orientation of the building are additional features designed to ensure that Shutterfly is compatible with the noted neighborhoods. The building will also be located approximately 112 feet away from the nearest residence.

## **Landscape & Hardscape**

The proposed landscape coverage of approx. 23 percent for Site 6 is a significant amount for any development within an urbanized area and is well in excess of the minimum 10 percent coverage required by the Zoning and Development Code.

As shown by the landscape plan, the landscape palette includes a variety of indigenous landscape materials with a range of accent colors to create visual interest. The landscape materials will establish the desired inviting setting, as well as contribute to the desired overall campus setting. The approx. 30-foot landscape setback along Shutterfly Way (formerly Country Club Way) will effectively screen the parking courtyard. The approx. 60-foot landscape setback provided north of Shutterfly Way, as well as the approx. 25-foot landscape setback provided along the north property line, combined with the limited building height will effectively screen the building from the neighborhoods respectively located to the west and north across Shutterfly Way and the Western Canal. In order to establish a seamless appearance and unified theme throughout the Campus, Site 6's landscape and hardscape components will be consistent with the Campus's overall and office park streetscape theme. Amenities and special features designed to enhance the shared environment between Site 6's landscaping, architecture and overall pedestrian experience include enhanced landscape materials, screen walls, planters, walkways and paving.

Pursuant to ZDC Section 4-704.A.2, an overall tree or shade canopy above surface parking areas of not less than 22 percent of the parking area, based on the expected size of trees within five (5) years of planting, is required when a use permit is granted to exceed the maximum surface parking amount allowed. As reflected by the enclosed shade study for Site 6, a tree or shade canopy of approximately 31 percent above the parking courtyard will be provided for the initial phase of development and the landscaping for Site 6 will include an appropriate



mix of trees and shrubs distributed around the perimeter of the courtyard, as well as throughout the courtyard's interior. The overall tree or shade canopy to be provided above the parking courtyard at full build-out will exceed the ZDC requirement. The provision of the noted mix of trees and shrubs will provide a partial canopy and shading throughout the courtyard. In accordance with ZDC requirements, landscape islands with trees will also be provided at the ends of parking rows throughout the courtyard to break-up the parking area and to provide additional shading.

## **Circulation and Parking**

Site 6 will be accessed from six (6) ingress/egress locations, two (2) located on Shutterfly Way (formerly Country Club Way) and four (4) located on the Campus's internal loop road. The primary entrances to Site 6 will be provided from the Campus's internal loop road, with the secondary entrances being provided from Shutterfly Way. The Project's shipping and receiving bays will all be located within the truck court on the east side of the building and will be accessed from the Campus's internal loop road. At full build-out, the truck court will be entirely screened by the building from the neighborhoods to the west and north. Vehicular access from Site 6's south ingress/egress locations along Shutterfly Way and the Campus's internal loop road will be shared with Development Site 7 of the Campus, further enhancing connectivity between Shutterfly and the Campus.

In accordance with current market conditions and parking demand for office and production / warehouse uses in south Tempe, an appropriate amount parking will be provided by an at-grade parking courtyard providing a total of 706 parking spaces to be constructed as part of Shutterfly's initial development phase. An additional 100 surface parking spaces will be provided as part of Shutterfly's future expansion.

To reduce the number of vehicular trips generated, employees at the Campus, including employees of Shutterfly, will be encouraged to use alternative modes of transportation, such as biking and riding the bus. 33 bike spaces will be provided on Site 6. The Campus and ASU Research Park are both serviced by Bus Route 108.

As reflected by the enclosed traffic impact analysis prepared by CivTech, Inc. and approved by the City for the Campus, all intersections adjoining the Campus, including the intersections of Shutterfly Way (formerly Country Club Way) and Elliot Road and River Parkway and Elliot Road, located closest to Site 6, are expected to operate with an overall passing level of service or better under proposed lane configurations, which include mitigation measures at the proposed intersections. As the Campus continues to develop, the intersection of Shutterfly Way and Elliot Road may be signalized. In addition, as traffic conditions warrant and as the Campus continues to be developed, the intersection of River Parkway and Elliot Road is proposed to be improved to provide protected-permitted left turn phasing for both eastbound and westbound movements. In regard to traffic generation and circulation, the current office and production / warehouse building design for Site 6 contains 220,000 square feet less office space than the building approved for Site 6 in 2011 allowed. The production / warehouse uses associated with the current building design will generate less vehicle trips than would have been generated by providing the additional office space allowed on Site 6.

The movement of pedestrians, both on foot and on bicycle, is a major element of the Campus. With a mixture of office, industrial, hospitality, retail and restaurant uses planned, movement within the Discovery Campus will mainly be achieved through the use of a comprehensive system of well lighted and accessible walkways and sidewalks designed to create an environment conducive of on-site movement. All buildings on the Campus, including Shutterfly, will be linked with walkways and sidewalks which will allow movement throughout the Campus. As the Campus continues to develop, the primary goal of this system will be to establish a seamless flow between the respective development sites.

### **Use Permit Request Analysis**

The Applicant is requesting use permits:

- 1) to allow more surface parking on Site 6 than the maximum parking amount allowed by ZDC Section 4-603.C; and,
- 2) as required by ZDC Section 5-304.A, to allow limited use of delivery trucks exceeding five (5) tons in capacity between the hours of 10:00 p.m. and 6:00 a.m. during Shutterfly's peak production season (months of September, October, November and December)

Subject to use permit approval and the provision of additional landscaping in accordance with ZDC Section 4-704.A, additional surface parking is allowed in the GIOD zoning district. Based on the Applicant's extensive experience in developing office and production / warehouse properties, including the ongoing development of office space within the Campus, the ZDC's maximum surface parking restriction is not in accordance with current market conditions and parking demand for contemporary office space and production / warehouse facilities in south Tempe. Shutterfly will satisfy the general intent of the ZDC's noted surface parking limitation by providing a substantial amount of landscaping, as well as providing covered parking at select locations. Landscaping throughout the parking courtyard will provide shade and reduce urban heat island effect at the same time.

As discussed above, Shutterfly's shipping and receiving bays will all be located within a truck court on the east side of the building and will be accessed from the Campus's internal loop road. After the initial development phase, the truck court will be screened by the building from the neighborhood to the west. At full build-out, Shutterfly's truck court will be screened by the building from the neighborhoods to both the west and north. The truck court has also been placed on the Site to be located approximately 430 feet away from the nearest residence to the north and approximately 500 feet away from the nearest residence to the west. In addition, extended delivery truck hours will be limited to Shutterfly's peak production season (September through December) and the number of trucks exceeding five (5) tons in capacity visiting Site 6 between the hours of 10:00 p.m. and 6:00 a.m. during the peak production season will be limited to a maximum of eight (8) trucks daily. The truck court's placement on the east side of the Shutterfly building at a location approximately 430 feet away from the nearest residence will ensure that the described limited use of delivery trucks during extended hours in Shutterfly's peak production season will not adversely impact the residential neighborhoods located to the north and west across the Western Canal and Shutterfly Way (formerly Country Club Way).

The requested use permits represent an opportunity to continue the improvement of the Campus and Site 6 in accordance with development plans already deemed to be consistent with the City's goals, objectives and policies in 2011 and this year. Also, the use permit for additional parking is only needed at this time because the Campus's development sites have been subdivided into individual parcels. Otherwise, a use permit for the additional parking would not be needed at this time.

Use Permit Approval Criteria

Not cause any significant vehicular or pedestrian traffic in adjacent areas

Site 6 will not cause a significant amount of vehicular or pedestrian traffic in adjoining or nearby areas. Site 6 will be primarily accessed from Elliot and Price Roads via the Campus's internal loop road, with secondary access being provided from Shutterfly Way (formerly Country Club Way). Cut-through or spillover traffic in nearby neighborhoods will not occur, as Shutterfly Way does not provide vehicular access to the residential neighborhood to the west and does not extend to the residential neighborhood to the north. As a result, vehicular access to the Site must occur via the Campus's internal loop road from either Elliot or Price Roads to the south and east or via Shutterfly Way. In addition, Shutterfly's shipping and receiving bays will all be located within a truck court on the east side of the building to be accessed from the Campus's internal loop road. Furthermore, as reflected by the enclosed traffic impact analysis prepared by CivTech, Inc., intersections located in proximity Site 6 will continue to operate with an overall passing level of service.

Not cause any nuisance (odor, dust, gas, noise, vibration, smoke, heat or glare etc.) exceeding that of ambient conditions

The proposed parking improvements for Site 6 will not result in any nuisance exceeding that of ambient conditions. In fact, by providing an appropriate amount of parking for Shutterfly, approval of the requested use permit will help to ensure that nuisances, such as spillover parking, do not occur. The proposed surface parking improvements for Site 6 will be setback approximately 117 feet from the nearest residence to the west, which is located across Shutterfly Way (formerly Country Club Way), the Oasis at Anozira community wall and multiple landscaped areas. There will not be any parking areas located on Site areas north of the Shutterfly building along the Western Canal. In addition, the parking courtyard will include a significant amount of landscaping evenly distributed throughout the parking courtyard to provide shading, to screen the parking courtyard from the public right-of-way, to establish a comfortable and inviting environment within the courtyard, and to reduce urban heat island effect.

The requested extended hours for limited truck loading and unloading activities at Site 6 will not result in any nuisance exceeding that of ambient conditions, as:

1. all shipping and receiving bays at Shutterfly will be located within a truck court on the east side of the building which will:
  - be screened from the neighborhood to the west by the Shutterfly building;
  - be located approximately 500 feet away from the nearest residence to the west;
  - be located approximately 430 feet away from the nearest residence to the north across the Western Canal;



- be initially screened from the neighborhood to the north across the Western Canal by landscaping enhancements to be provided along the Site's north property line, as well as an existing masonry screen wall located approximately 100 feet south of the Site's north property line; and,
  - be ultimately screened from the neighborhood to the north by the Shutterfly building after the future expansion construction phase for Site 6 is completed
2. the extended delivery truck hours will be limited to Shutterfly's peak production season (September through December); and,
  3. the number of trucks exceeding five (5) tons in capacity visiting Site 6 between the hours of 10:00 p.m. and 6:00 a.m. during Shutterfly's peak production season will not exceed eight (8) trucks daily

*Not contribute to the deterioration of the neighborhood or be in conflict with the goals, objectives and policies of the City*

The Campus, including the office and production / warehouse building and associated landscaping and parking improvements planned for Site 6, represent a significant investment in the Campus, neighborhood and City that will continue to improve and encourage additional investment in the area. The investment is fully expected to further energize the Campus and to positively affect property values in the area. As reflected by the 2011 Council Approval for the Campus and the 2014 development plan approval by the Community Dev. Dept., the office and production / warehouse building and associated parking and landscaping improvements approved for Site 6 have already been determined to be consistent with the City's goals, objectives and policies. Furthermore, trucks exceeding five (5) tons in capacity visiting Site 6 between the hours of 10:00 p.m. and 6:00 a.m. will be:

1. restricted to the months of September, October, November and December;
2. limited to a maximum of eight (8) trucks daily;
3. directed to access and exit the Site by using Elliot Road and the Campus's internal loop road located away from the neighborhoods to the west and north; and,
4. loading and unloading within a truck court that will be located approx. 430 feet away from the nearest residence and that will be screened from the neighborhoods to the west and north by Shutterfly's building, masonry screen walls, and/or landscaping improvements

*Be compatible with existing surrounding structures*

The overall intent of the design for Site 6, which has always been intended to accommodate industrial/office/flex space within the Campus, is to provide a contemporary office and production / warehouse building and associated parking and landscaping improvements within an employment campus setting that fit well into both the physical and surrounding built environments, create visual interest and provide a secure and inviting environment. Likewise with the Campus and the ASU Research Park to the south, the overall architectural character of Site 6 emphasizes a contemporary design allowing for a timeless and modern look

The modest building height (35 feet) and placement of the Shutterfly building respects the residential neighborhoods respectively located to the north across the Western Canal and to the west across Shutterfly Way (formerly Country Club Way). The design for Site 6 uses

building placement, building orientation and ample landscaping to screen the development from adjoining uses and to establish an inviting environment conducive to an employment campus setting. The minimum 30-foot building setback (approx. 62 feet when combined with the adjoining right-of-way for Shutterfly Way) to be provided along the Site's west property line and the minimum building setback of approx. 120 feet (approx. 315 feet for the initial development phase) to be provided along the north property line will provide a significant amount of separation between Shutterfly and the noted neighborhoods. The Shutterfly building will also be screened from the noted neighborhoods by significant landscaped areas to be provided along the Site's north and west property lines. In addition, the south and eastward orientation of the building, including the eastward orientation of the truck court located on the east side of the building, is designed to ensure that Shutterfly will be compatible with the residential neighborhoods to the west and north.

*Not result in any disruptive behavior which may create a nuisance to the surrounding area or general public*

The planned office and production / warehouse building, the associated parking improvements and the associated loading and unloading activities will not result in any disruptive behavior. The Applicant strongly believes in being a good neighbor and it is not in the interest of the Applicant, Campus or Shutterfly to allow behavior that discourages patrons and guests from visiting the Campus's businesses, shops, restaurants and hotels or to allow behavior that disrupts neighbors.

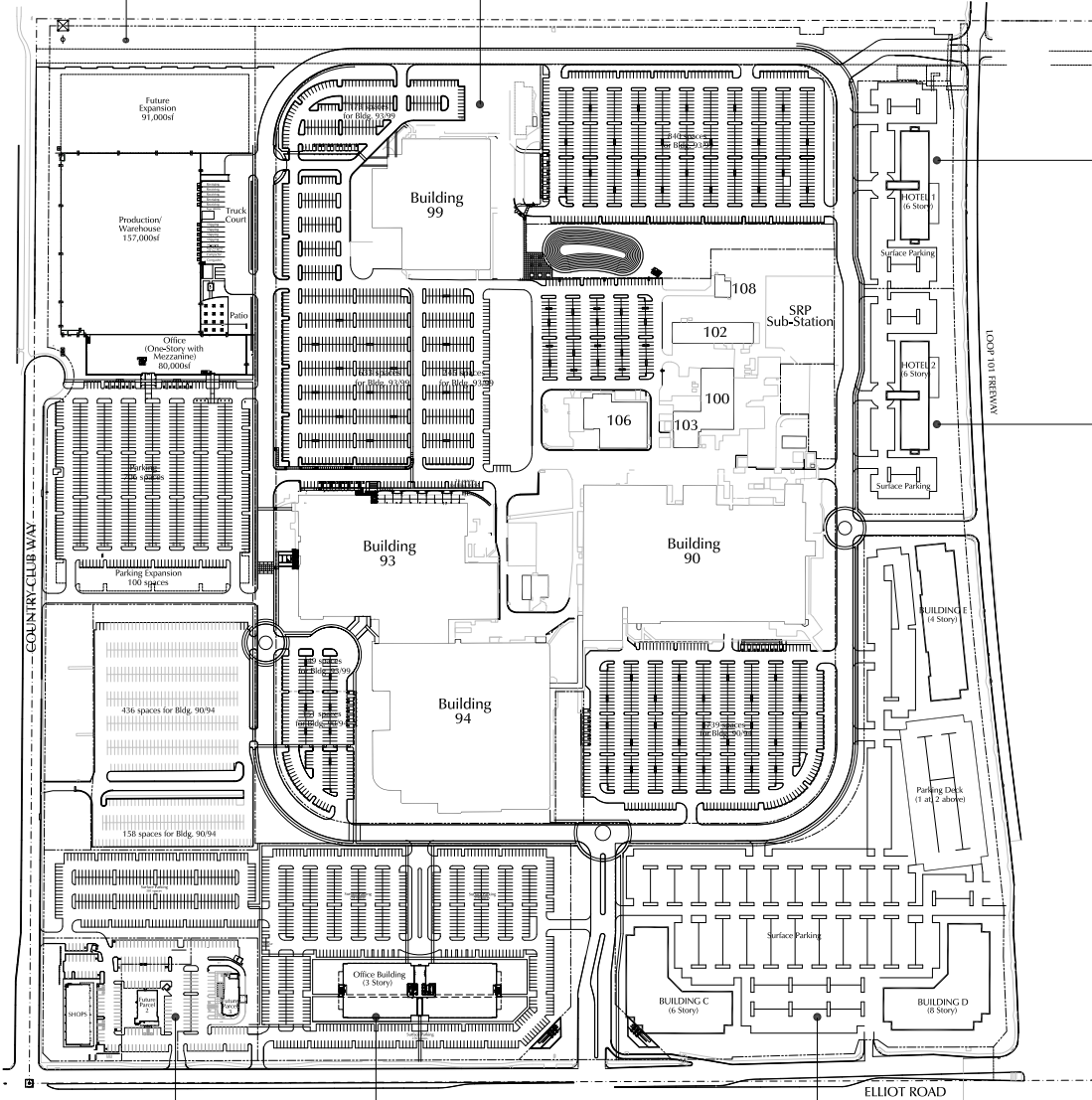
## **Conclusion**

Tempe Campus is very excited about the continuing development of Site 6 and the Discovery Business Campus. Site 6, including the proposed parking courtyard, is consistent with and appropriate for a high-quality employment campus that complements the mix of existing and planned uses at the Campus and the nearby ASU Research Park. The goal for Site 6 is to accommodate development providing additional high-quality employment opportunities within an office campus environment that fits well into both the physical and surrounding built environments, provides an appropriate transition from the residential neighborhoods to the west and north, creates visual interest and provides a secure and inviting environment. With the ability to provide parking consistent with current demand for high-quality, contemporary office and production / warehouse space in south Tempe and the ability to conduct limited loading and unloading activities between the hours of 10:00 p.m. and 6:00 a.m. during Shutterfly's peak production season, we will accomplish this goal. We look forward to discussing the development of Shutterfly with you in the near future at the forthcoming hearing and respectfully request your approval of the use permit requests.

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**Dev. Site 6/  
Shutterfly**  
16.54 acres  
Building Area: 328,000sf (at total build-out)  
Parking Provided: 806 spaces (at total build-out)

Site 7



Site 1

Site 2

Site 5

Site 4

Site 3

01 MASTER SITE PLAN



**VICINITY MAP:**



**PROJECT TEAM:**

**Applicant:**  
Gammage & Burnham P.L.C.  
Two North Central Avenue, 15th Floor  
Phoenix, AZ 85004  
Contact: Marjula Vaz  
Phone: (602)256-4461  
FAX: (602)256-4475  
Email: mvaz@gbglaw.com

**Owner:**  
Tempe Campus SPV LLC  
2701 E Camelback Road #185  
Phoenix, AZ 85016  
Contact: Tim Chester  
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FAX: (602)296-0001  
Email: tchester@westprop.com

**Architect:**  
DAVIS  
60 E. Rio Salado Blvd. #118  
Tempe, AZ 85281  
Contact: Mike Edwards  
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FAX: (480)638-1101  
Email: medwards@thedavisexperience.com

**Civil Engineer:**  
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Phoenix, AZ 85032  
Contact: Jeff Erickson  
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FAX: (602)569-6493  
Email: jerrickson@emec.com

**Landscape Architect:**  
The Design Element, PLLC  
1230 W Washington Street, #202  
Tempe, AZ 85281  
Contact: Jeff Anderson  
Phone: (480)244-1970  
FAX: (480)244-1971  
Email: jeff.a@thedesignelementa.com

**DEV. SITE 6 PROJECT DATA:**

**ADDRESS:**  
795 S. COUNTRY CLUB WAY  
**GENERAL PLAN: PROJECTED LAND USE**  
INDUSTRIAL

**SITE 6 (INDUSTRIAL):**

SITE AREA:	16.54 NET ACRES
BUILDING AREA:	720,492 SF (full build-out) 328,000 SF
BUILDING HEIGHT:	35'-0" / 2 STORY
LANDSCAPE AREA:	(MIN. 23%) 162,678 SF

**PARKING DATA:**

REQUIRED:	
WAREHOUSE USE:	(per table 4-603E) 29
PRODUCTION USE:	(per table 4-603E) 195
OFFICE USE:	(per table 4-603E) 267
<b>TOTAL REQUIRED:</b>	<b>491</b>
PROVIDED:	(full build-out) 806

**BIKE PARKING DATA:**

REQUIRED:	
WAREHOUSE USE:	(per table 4-603E) 5
PRODUCTION USE:	(per table 4-603E) 20
OFFICE USE:	(per table 4-603E) 8
<b>TOTAL REQUIRED:</b>	<b>33</b>

DAVIS

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SHUTTERFLY at DISCOVERY  
BUSINESS CAMPUS  
7195 SOUTH COUNTRY CLUBWAY  
TEMPE, ARIZONA

PRELIMINARY

NOT FOR

CONSTRUCTION

20 AUG 13	SITE 6 PAD UPDATE

- SCHEMATIC
- DESIGN DEVELOPMENT
- CONSTRUCTION DOCUMENTS
- BID PRICING PACKAGE
- BUILDING DEPT. APPROVAL

DATE ISSUED: 9 APRIL 14

DRAWN BY:

CHECKED BY:

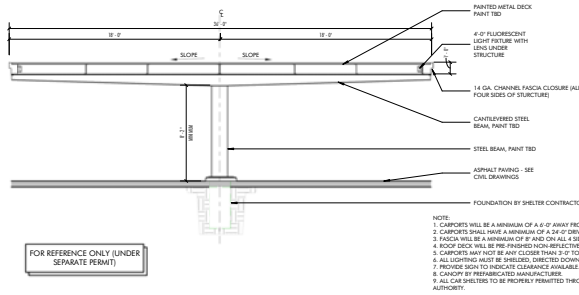
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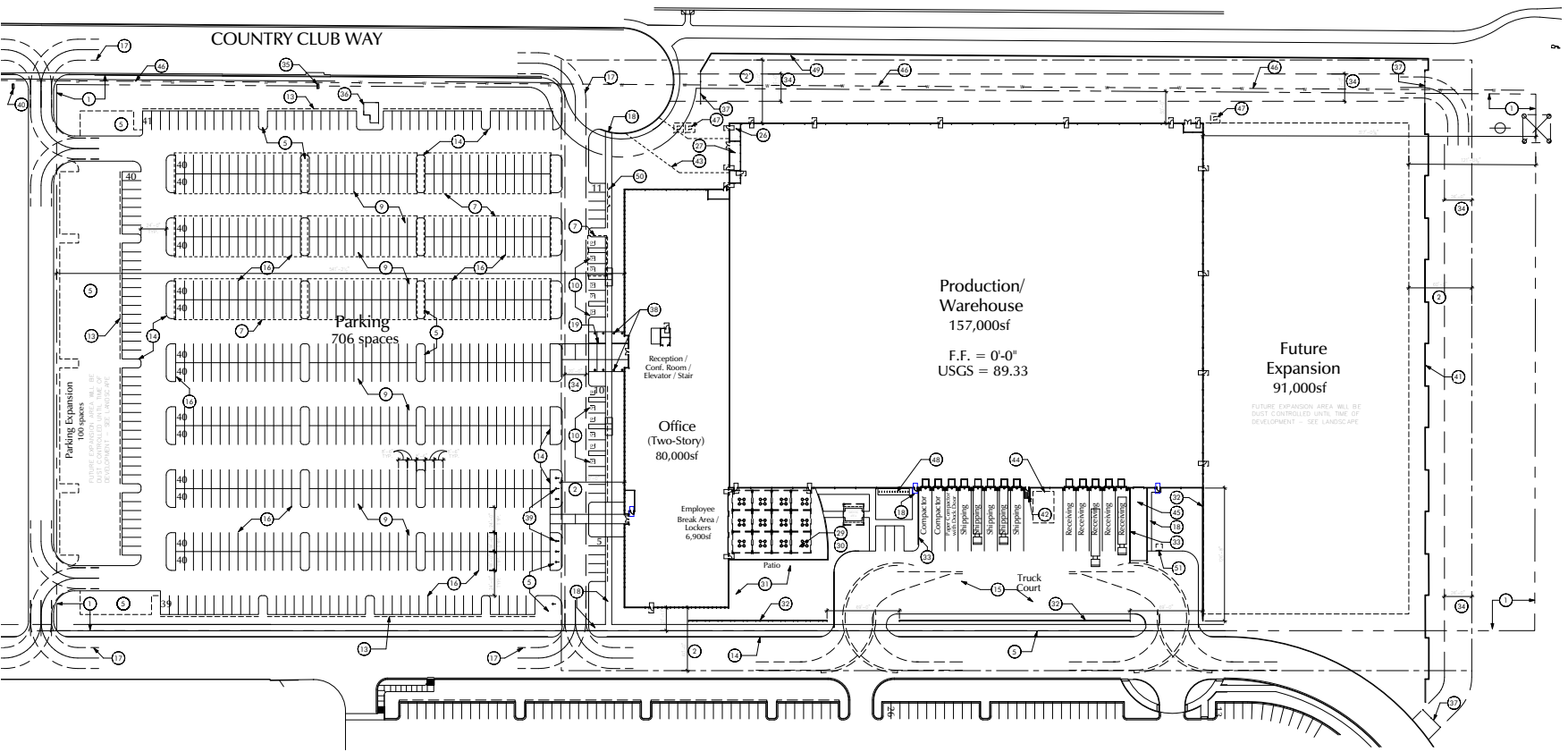
**A001**  
OVERALL MASTER SITE PLAN  
SCALE: N.T.S.

REV. 20 NOV 2013 - 09:00AM. CLAY, G. VPROJECTS\2013\0201\REVSCALE\SHUTTERFLY\01\_MASTER SITE PLAN



2 SITE PARKING - CANOPY DBL SIDED 1/4" = 1'-0"

- |   |  |  |  |
|---|--|--|--|
| <p>34. 24" WIDE FIRE LANE</p> <p>35. EXISTING SIGNAGE TO BE RELOCATED</p> <p>36. EXISTING CDR COMMUNICATIONS STATION TO REMAIN</p> <p>37. REMOVABLE PIPE BOLLARD WITH CHAINS</p> <p>38. LIGHT BOLLARD</p> <p>39. BUILDING SIGNAGE LIGHTING</p> <p>40. RELOCATED SIGNAGE - SEE LANDSCAPE</p> <p>41. EXISTING MASONRY WALL</p> <p>42. PRE-FAB STEEL DOCK STAND</p> <p>43. UTILITY TRUCK ACCESS</p> <p>44. PAPER SHEEDER</p> <p>45. LOADING DOCK AT P.F. LEVEL</p> <p>46. 12" WATER DUE</p> <p>47. TRANSFORMER LOCATIONS - SEE ELECTRICAL</p> <p>48. BICYCLE PARKING - 33 SPACES</p> <p>49. EXISTING 6" HIGH WALL TO BE REPLACED WITH NEW 8" HIGH DRY WALL</p> <p>50. 3. 4" RITE ELECTRIC CAR CHARGING STATION</p> <p>51. 4. 10' TRUCK COMPART</p> | <p>18. CONCRETE SIDEWALK</p> <p>19. 4'-0" HD FRAME SITE WALL WITH W/MP INFILL AND SIGNAGE</p> <p>20. BICYCLE PARKING - SEE DETAIL 20.1A/102</p> <p>21. RETAIN ENCLOSURE PER CITY OF TEMPE STANDARDS DETAIL - SEE DETAIL 20.1A/102</p> <p>22. UTILITY PAD &amp; TRANSFORMER - SEE ELECTRICAL</p> <p>23. FOLE LIGHTING, TYPICAL - SEE ELECTRICAL</p> <p>24. FIRE HYDRANT - SEE CIVIL</p> <p>25. FIRE DEPARTMENT CONNECTION - SEE CIVIL DRAWINGS</p> <p>26. FIRE RISER ROOM</p> <p>27. SERVICE ENTRANCE SECTION</p> <p>28. BACKFLOW PREVENTER - SEE CIVIL DRAWINGS</p> <p>29. CANOPY COVER AT EMPLOYEE PATIO</p> <p>30. SEATING FOR 30 AT EMPLOYEE PATIO</p> <p>31. STABILIZED DECOMPOSED GRANITE</p> <p>32. MASONRY SITE WALL</p> <p>33. RETAINING WALL AT SLOPED TRUCK DOCK WITH PAL PROTECTION (LOWWALL)</p> | <p><b>DETD NOTES:</b></p> <p>1. ARCHIT. LINE, TYP</p> <p>2. CLEAR AREA FROM ADJACENT STRUCTURE</p> <p>3. EASMENT LINE</p> <p>4. ACCESSIBLE ROUTE FROM PUBLIC R.O.W.</p> <p>5. ACCESSIBLE AREA, SEE LANDSCAPE DRAWINGS</p> <p>6. STORM RETENTION - SEE CIVIL</p> <p>7. PARKING CANOPY - SEE 20.1A/102</p> <p>8. BRICKWORK CONTROLLER - SEE LANDSCAPE IRRIGATION PLANS</p> <p>9. ASPHALT PAVING</p> <p>10. ACCESSIBLE PARKING SPACE - SEE DETAIL 14.6A/102</p> <p>11. ACCESSIBLE CURB RAMP, STRAIGHT - SEE DETAIL 20.1A/102</p> <p>12. ACCESSIBLE CURB RAMP, FLARED - SEE DETAIL 20.1A/102</p> <p>13. PARKING OVERHANG - LANDSCAPE TO BE CLEAR OF THIS AREA</p> <p>14. CONCRETE CURB - SEE CIVIL DRAWINGS</p> <p>15. REINFORCED CONCRETE APRON AT TRUCK DOCKS</p> <p>16. PAINT STRIPE, TYP.</p> <p>17. FIRE TRUCK TURNING RADIUS</p> | <p><b>GENERAL NOTES:</b></p> <p>H. ALL SIGNS REQUIRE SEPARATE PERMIT</p> <p>K. THE FIRE DEPARTMENT DOUBLE CHECK ASSEMBLY SHALL BE PAINTED TO MATCH ADJACENT WALL COLOR</p> <p>L. THERE SHALL BE NO OBSTRUCTION OF SITE SIGNAGE BY LANDSCAPE PLANT MATERIAL, AND THAT SUCH MUST BE PROPERLY CORRECTED BEFORE THE FIELD INSPECTION WILL ACCEPT/PASS THE SIGN IN THE FIELD OR ISSUE A CERTIFICATE OF OCCUPANCY FOR A PROJECT</p> <p>M. ALL TRANSFORMER BOXES, WATER PIPES, ELECTRICAL EQUIPMENT, BACK-FLOW DEVICES, AND ANY OTHER UTILITY EQUIPMENT, NOT ABLE TO BE SCREENED BY WALLS OR LANDSCAPE SHALL BE PAINTED TO MATCH THE ADJACENT WALL COLOR.</p> <p>N. SEE CIVIL AND LANDSCAPE PLANS FOR ADDITIONAL SCOPE OF WORK BEYOND LIMITS OF CONSTRUCTION</p> <p>O. CONTRACTOR TO PROVIDE EITHER PAINTED RED CURBS OR SIGNAGE FOR PREMARKS PER CITY OF CHANDLER STANDARDS.</p> |
|---|--|--|--|



**DAVIS**

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**SHUTTERFLY at DISCOVERY BUSINESS CAMPUS**  
7895 SOUTH COUNTRY CLUB WAY  
TEMPE, AZ

PRELIMINARY NOT FOR CONSTRUCTION

SCHEMATIC  
 DESIGN DEVELOPMENT  
 CONSTRUCTION DOCUMENTS  
 BRANDING PACKAGE  
 BUILDING DEPT. APPROVAL

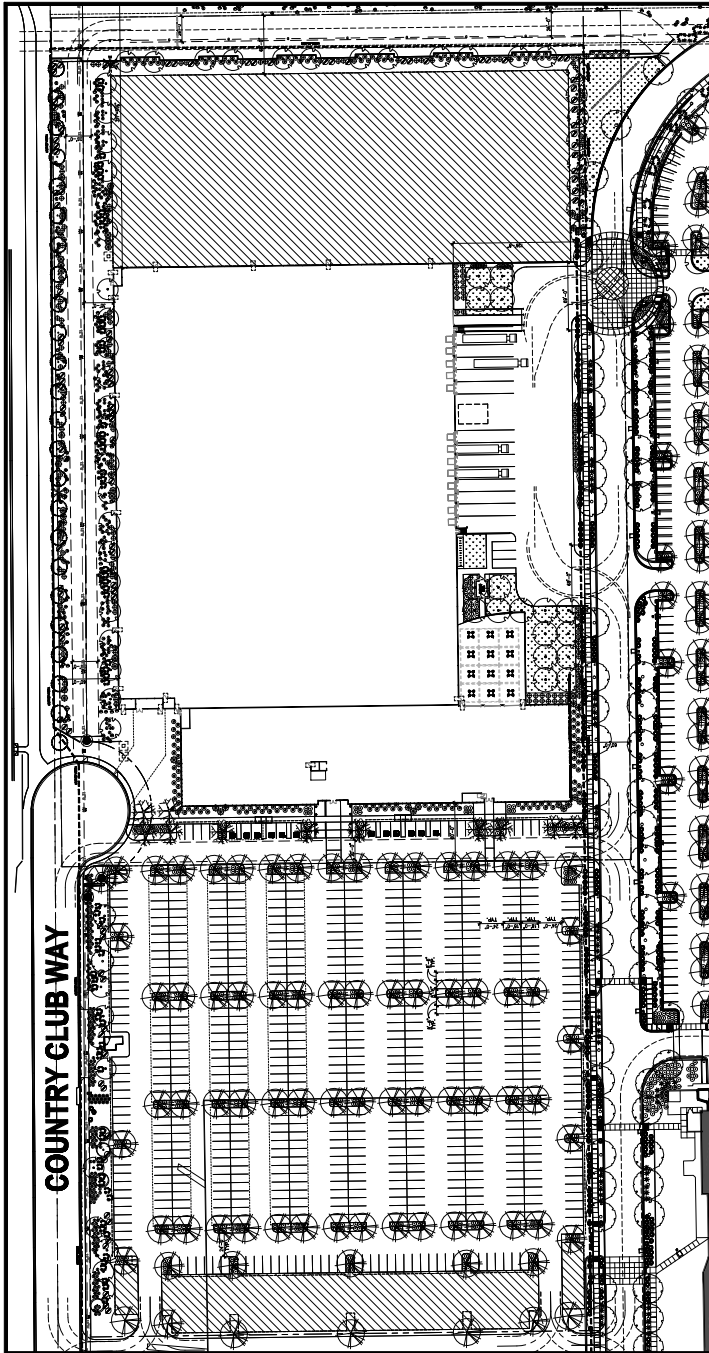
DATE ISSUED: 9 APRIL '14  
 DRAWN BY: AS  
 CHECKED BY: TZ  
 PROJECT NO.: 12189

DRAWING NO. **A101**  
SITE PLAN

SCALE: As Indicated

THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF DAVIS. NO USE OR REPRODUCTION IS PERMITTED WITHOUT THE EXPRESS WRITTEN PERMISSION OF DAVIS.

NOTICE OF P.P. RIGHTS



**PLANT LEGEND** VERIFY ALL QUANTITIES

SYMBOL	COMMON Botanical	SIZE	QUANTITY
	<b>TREES</b> (All trees are 24" Box unless noted otherwise on plan)		
	Desert Mesquite/Cercularia sp.	36" BOX	-
	Arizona Ash/Ficusus velutina	36" BOX	-
	Evergreen Elm/Ulmus parvifolia	24" BOX	-
	Blacke Tree/Dalbergia olivacea	36" BOX	-
	Quercus/Pagrusalis spinescens	24" BOX	-
	Casahuate/Casahuate coccinea	24" BOX	-
	Willow Acacia/Facilis arborea	36" BOX	-
	<b>SHRUBS</b> (+ 6"-8" @ maturity)		
	Desert Penzance/Ruscus psychotrioides	8 GAL	-
	Orange Jubilee/Trochod. sp. 1/2-3/4"	8 GAL	-
	<b>SHRUBS</b> (Min. 2'-4" and Max. 2'-4")		
	Glenn Hesperaloe/Hesperaloe parviflora	8 GAL	-
	Pageal Mar/Muhlenbergia capillaris	8 GAL	-
	Dwarf Mulch/Muhlenbergia (sp. "Nashville") (2) 1 gal. per symbol	1 GAL	-
	Gold Trolling/Lantana camara	1 GAL	-
	Burpage/Ambrosia deltoidea	1 GAL	-
	Bottlebrush/Encelia tomentosa	1 GAL	-

**HERBS & TURF**

	Stall Low or D.G. to match existing at 1" depth for that control in all areas to be landscaped for future development	
	Disseminated Gravelly Topdressing 1/2" minus 2" Depth Min.	Match Existing
	Reynolds Turf	Est. 0.004 SF
	Cynodon dactylon	

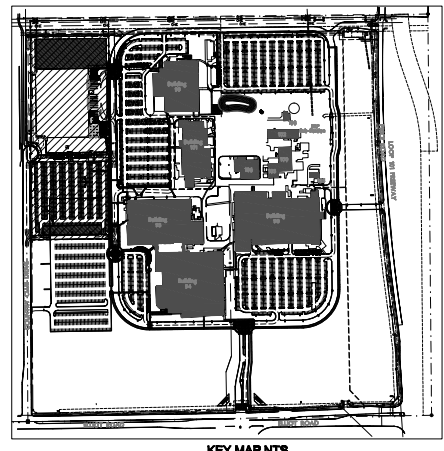
- Notes:**
1. Sight Distance areas at Intersections must be clear of obstructions that might block a Driver's view. Landscaping to be 2'-0" or less in height. Trees with in sight distance areas are to be planted to 8'-0" clear.
  2. Discompact soil in planting areas on site and in public right-of-way and improve construction details from planting areas prior to landscape installation.
  3. Trees shall be planted a minimum of 12'-0" from any existing or proposed public water or sewer lines located on site. Trees near the main water or sewer lines located within the right-of-way shall be planted at least 20'-0" away.
  4. The tree planting separation requirements may be relaxed from the water line upon installation of a linear root barrier, a minimum of 6'-0" parallel from the water line, or around fire lines. The root barrier shall be a continuous material, a minimum of 0.8MP thick, installed 6'-0" above finish grade to a depth of 6'-0" below grade.
  5. Quantities are approximate and shall be verified by contractor, in the case of conflict between the legend quantities and plan, install per the plan.

**PROJECT TEAM**

**TEMPER CAMPUS RFP LLC**  
 2781 EAST CAMELBACK ROAD #108  
 PHOENIX, ARIZONA 85016  
 CONTACT: TIM CHESTER  
 PHONE: (602) 266-1000  
 FAX: (602) 266-9911  
 EMAIL: tchester@tempcamp.com

**ARCHITECT:**  
 DAVIS  
 68 EAST RIO SALADO BOULEVARD #118  
 TEMPE, ARIZONA 85281  
 CONTACT: MIKE EDWARDS  
 PHONE: (602) 266-1100  
 FAX: (602) 266-1161  
 EMAIL: miked@edwardsdesign.com

**LANDSCAPE ARCHITECT:**  
 THE DESIGN ELEMENT  
 2511 EAST HIGHLAND AVENUE, #120  
 PHOENIX, ARIZONA 85016  
 CONTACT: JEFF ANDERSON  
 PHONE: (602) 944-4370  
 FAX: (602) 944-1871  
 EMAIL: jeff@thedesigndelement.com



**DISCOVERY BUSINESS CAMPUS**  
 SHUTTERFLY  
 EAST ELLIOT ROAD TEMPE, ARIZONA

PROJECT NUMBER: \_\_\_\_\_  
 ISSUED FOR: DIB  
 ISSUED DATE: 8 APRIL 2014  
 DRAWN BY: MB REVIEWED BY: JA



**REVISIONS:**

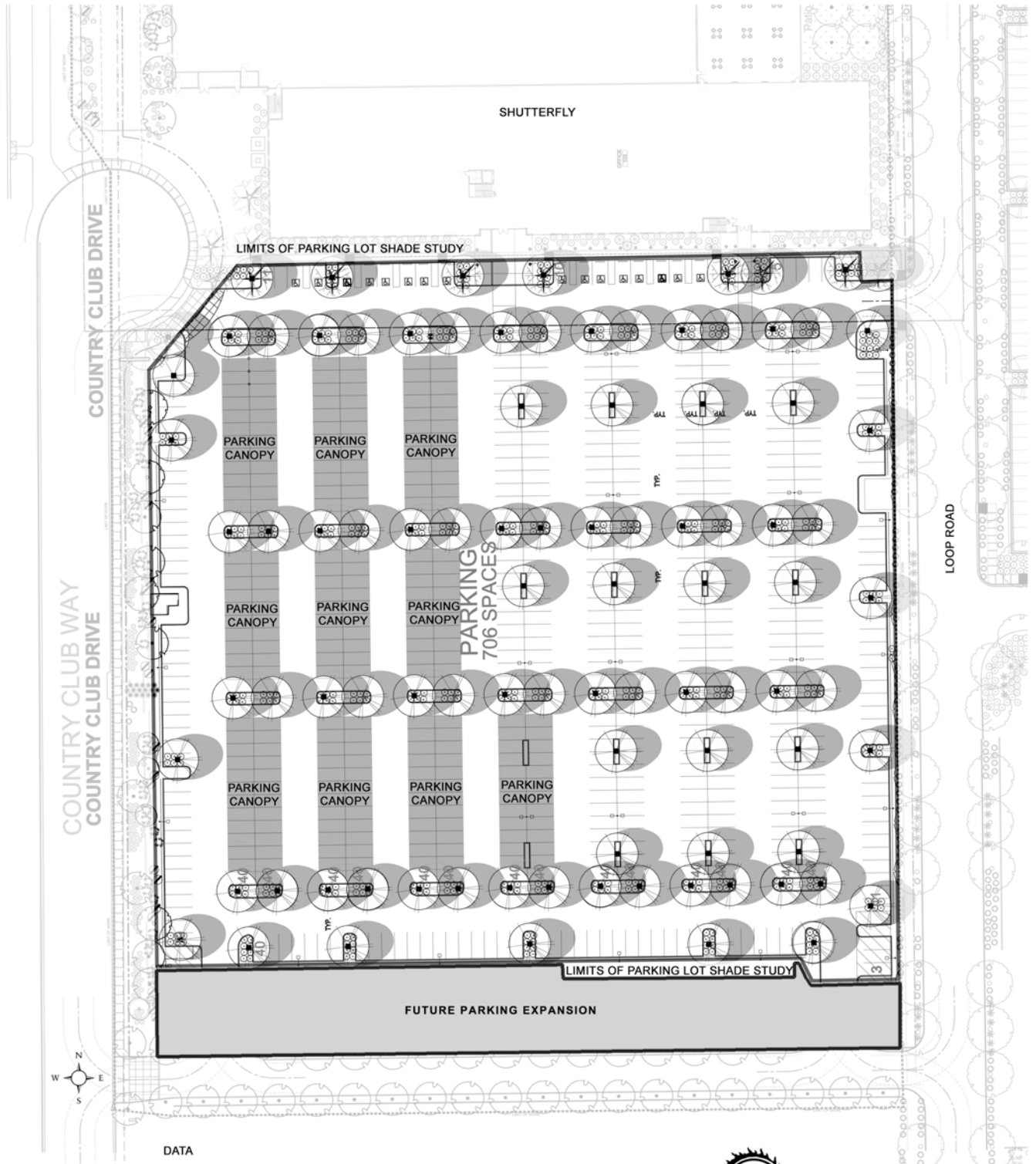
#	DATE	DESCRIPTION

SHEET NAME:  
 SHUTTERFLY  
 CONCEPTUAL  
 LANDSCAPE PLAN  
 SHEET NUMBER:

**L001**



**SHUTTERFLY  
PARKING LOT SHADE STUDY**  
7/31/14



**DATA**

PARKING LOT AREA: 221,955 SF  
 PARKING CANOPIES: 34,884 SF  
 SHADE FROM TREES: 36,708 SF  
 TOTAL SHADE: 71,592 SF OR 32.25%

FUTURE PARKING AREA: 249,057 SF  
 PARKING CANOPIES: 34,884 SF  
 SHADE FROM TREES: 41,515 SF  
 TOTAL SHADE: 76,399 OR 30.67%

**the design element**  
 landscape architecture  
 2211 east highland ave, suite 120  
 phoenix, arizona 85016  
 ph 602.244.1970  
 fax 602.244.1971  
 www.thedesignelementla.com

## Stovall, Karen

---

**From:** teri@aguiars.com  
**Sent:** Thursday, October 23, 2014 6:08 AM  
**To:** Stovall, Karen  
**Subject:** Shutterfly special use permit

Dear Ms. Stovall,

I live in The Oasis development adjacent to the Discovery Business Campus currently under construction. While I was unable to attend the meeting this week to oppose the designation of Character Areas in the DBC, I did learn of Shutterfly's request for a special use permit for allowance of deliveries via trucks in excess of 5 tons between 10pm and 6am. While my family and I look forward to continued development of the DBC (within the guidelines voiced by The Oasis HOA), we are opposed to Shutterfly's request for these disruptive late night deliveries.

Thank you for passing along our opposition for this special use permit to the Hearing Officer for this case. We will stay tuned to our "neighborhood news channel" for progress reports on this issue.

Teri Aguiar

Shutterfly has asked for a special use permit to "allow the use of trucks in excess of five ton capacity before 6 am and after 10 pm" for the Shutterfly development next door. Only a few homeowners received notification about this (those within 300 feet of the project). There is a sign with this information about half way down Country Club Drive. They are also asking for a larger parking lot "to exceed the parking maximum (125%)." The Hearing Officer will hear this case on November 5 at 1:30 pm.

October 27, 2014

Dear Karen,

Thank you for the opportunity to provide specific input on the Shutterfly Use Permits. As you are aware, the Applicant is requesting two different use permits: 1) One to allow more surface parking on Site 6 than the maximum parking amount allowed by ZDC Section 4-603.C, and 2) As required by ZDC Section 5-304.A. to allow limited use of delivery trucks exceeding five (5) tons in capacity between the hours of 10:00 pm and 6:00 am, during Shutterfly's peak production season (months September, October, November, and December).

After talking with City Staff, we became aware that the extra parking lot being asked for in the Use Permit will not be needed when Shutterfly is built in 2015. They will only need the additional lot after a planned addition is built sometime in the future (future date not available from Shutterfly).

The Use Permit for the additional parking spaces does not meet the Use Permit Criteria. This additional space, if allowed to be built, will cause an increase in vehicular traffic because the submitted plans show an additional egress going into the Shutterfly lot besides the one entrance located at the northern terminus of Country Club Way/Shutterfly Way (CCW/SHW). This increase in traffic will cause additional noise and pollution, above the ambient conditions. This extra asphalt parking lot will also create more heat than the ambient conditions. The additional egress and the parking lot(s) will also cause a nuisance because they will be closer than the previous parking lots (when it was Motorola/Freescale), thus reducing the space available for a landscaping buffer. This is especially important since my street, East Todd Dr., is at the bottom end of a gradually rising slope that reaches its pinnacle at the center of the Discovery Business Campus (DBC). Thus, unfortunately, I have a clear view down my street of what will be the entire Shutterfly parking lot, as well as the internal loop road, and the building currently occupied by State Farm in the middle of the DBC. This could contribute to the deterioration of the East side of my neighborhood. Also, in the Applicant's submittal, they stated they will have "a comprehensive system of well lighted and accessible walkways and sidewalks designed to create an environment conducive of on-site movement." Instead of a parking lot, perhaps a walkway/green space could be installed instead.

I have noted that the developer has placed the shipping and receiving bays as far away from our development as possible. I appreciate that the bays will be screened by the Shutterfly building, since I am located both West and South of the bays. I would also like to see as many trees as possible to provide a buffer from overlooking an industrial complex. However, I cannot support the Applicant's request for night time delivery trucks, over 5 tons (which are semi-trucks), during the months of September through December, nor do I feel that this Use Permit meets the City's Use Permit Criteria. Semi-trucks will cause a noise and pollution nuisance exceeding the ambient conditions at that hour of the night. Not to mention that it will be difficult to sleep with

trucks right next door making night time deliveries. The trucks will create excessive noise due to gear shifting, air brakes, and backup beepers. To site, Erich Thalheimer, noise control officer during Boston's Big Dig project reports the beepers have a typical volume of 97–112 decibels (dB) and can be heard blocks away. There are 16 hours of the day between 6 am and 10 pm. It seems like Shutterfly should be able to receive and distribute all of their products during these hours. I strongly feel like night time deliveries will contribute to the deterioration of my neighborhood, especially in terms of home values and the ability to sell our homes. I am also not confident that the semi-truck drivers would not use Country Club Way/Shutterfly Way, instead of the internal loop road (preferably the North loop off the frontage road) leading to a disruptive behavior, creating a nuisance, that will be difficult to curtail. I am also not confident that the night time semi-trucks would not sit "idling" with their engines on, creating another noise and pollution nuisance.

I am also concerned about the precedent that will be set if the night time delivery Use Permit is approved. What if they ask for 8 trucks for night time deliveries for 2015 and continue to come back and ask for more each year? When will too many night time deliveries be "off limits" next door to a residential neighborhood? Keeping the hours as they are will enable our residential development to harmoniously co-exist next door to a GIOD, while they are able to successfully operate their business.

I know that many of my neighbors are also concerned about the two Shutterfly Use Permits but the Use Permit process does not give us much time to gather information and respond. Most of us became aware of the situation last week and we have limited time to provide input to you and to the Hearing Officer. Many of my neighbors are also involved in creating the Corona/South Tempe Character Area document and have been actively involved in discussions about low density and the possibility of having apartments as part of the DBC. Being informed and providing input on both has proved exhausting and left some residents feeling like it is hopeless to "fight" both the City and the developer. We just want what other residential neighborhoods want – a nice peaceful neighborhood to call home.

Thank you for your time and for considering these comments as you make your recommendation to the Hearing Officer. We look forward to working with the City and the developer to make both the Oasis neighborhood and the DBC successful.

Lisa and Don Zyriek

**Stovall, Karen**

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**From:** lisa.zyriek@juno.com  
**Sent:** Wednesday, October 29, 2014 11:55 AM  
**To:** Stovall, Karen  
**Subject:** Shutterfly Use Permit - Comments to Add

Hi Karen,

Please add these comments to what we've already submitted regarding the Shutterfly Use Permit. We hope there is still time for them to be considered in the City's recommendation.

The Applicant has stated that the drivers of the five ton delivery trucks will be required to use the internal loop road. **How will Shutterfly make sure any night time deliveries (from other operators, like Fed Ex), arrive and exit via the internal loop road? Will they monitor this? Also, will any of the delivery trucks be owned by Shutterfly? Will the drivers be Shutterfly employees?**

This piece of information is crucial. **How will the Oasis neighborhood be guaranteed that night time delivery trucks, especially those operated by outside vendors like Fed Ex and UPS, won't use Country Club Way/Shutterfly Way instead of the internal loop road?**

I don't see how Shutterfly can guarantee this. We can't support the use permit.

**Lisa and Don Zyriek**



## Stovall, Karen

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**From:** David Mills <Marcus50@aol.com>  
**Sent:** Thursday, October 30, 2014 5:19 PM  
**To:** Stovall, Karen  
**Cc:** lisa.zyriek@juno.com  
**Subject:** Opposition to Petition of Shutterfly for Night Time Deliveries

Karen,

My wife and I are 18 year residents of The Oasis subdivision. We have been advised that Shutterfly has submitted a special use request to the City of Tempe to approve late night deliveries (between 10:00 pm to 6:00 am) to their facility in the Discovery Park. The Hearing Officer will hear the request on November 5th.

We oppose this request due to noise created by these large scale trucks. Our house is located at 1977 E. McNair Drive, just 2 houses from S. Kenwood Lane which is separated by a 5' block wall to Country Club Way. We can currently hear large trucks going north on Country Club Way during the daytime. This noise level is totally unacceptable for night time! Our neighborhood is a quiet and peaceful and **we do not want** this interrupted at night time!

Please advise the Hearing Officer of our objection to Shutterfly's request.

Thank you.

David and Linda Mills  
1977 E. McNair Drive  
Tempe AZ 85283  
(480) 755-9295

## Stovall, Karen

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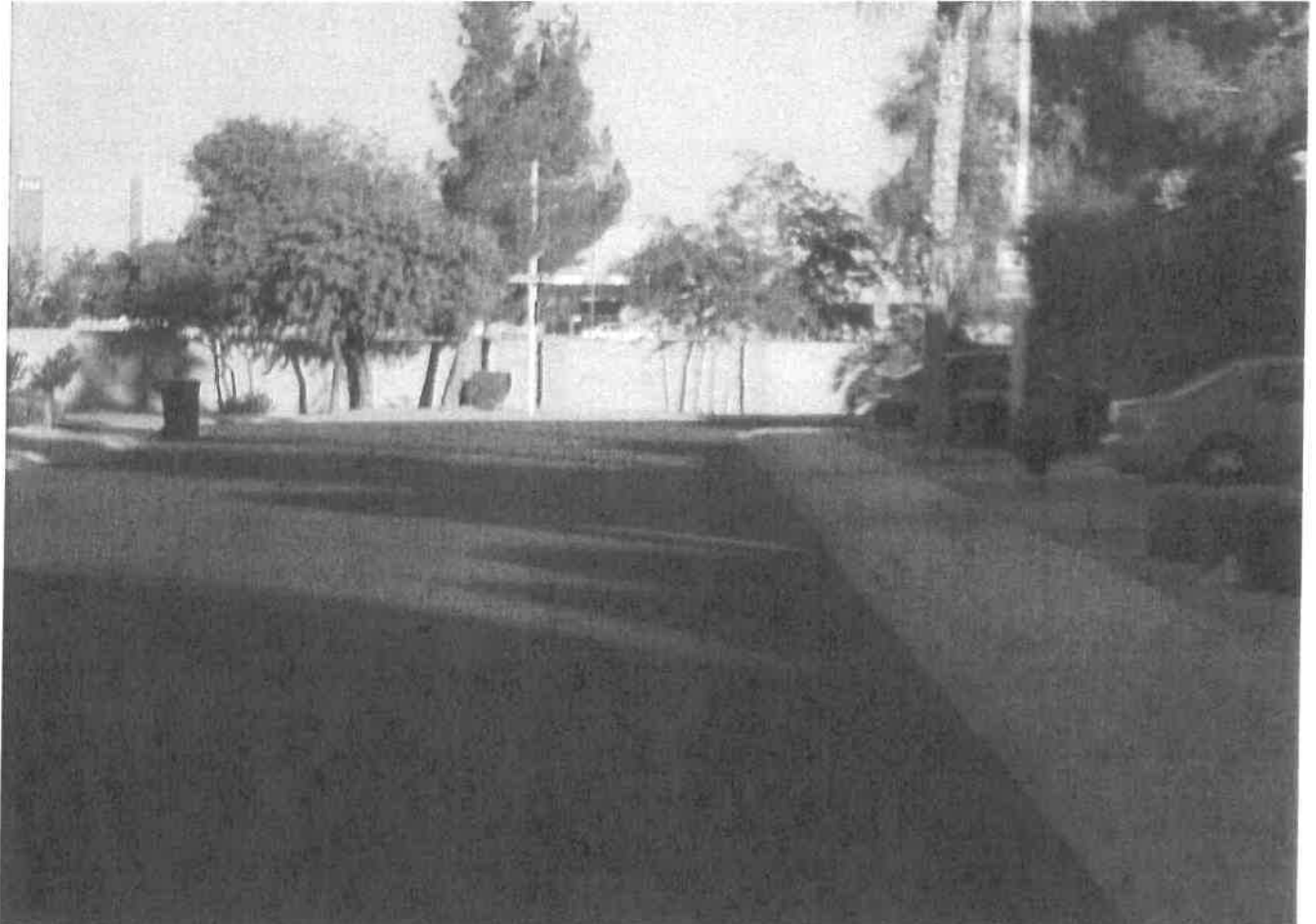
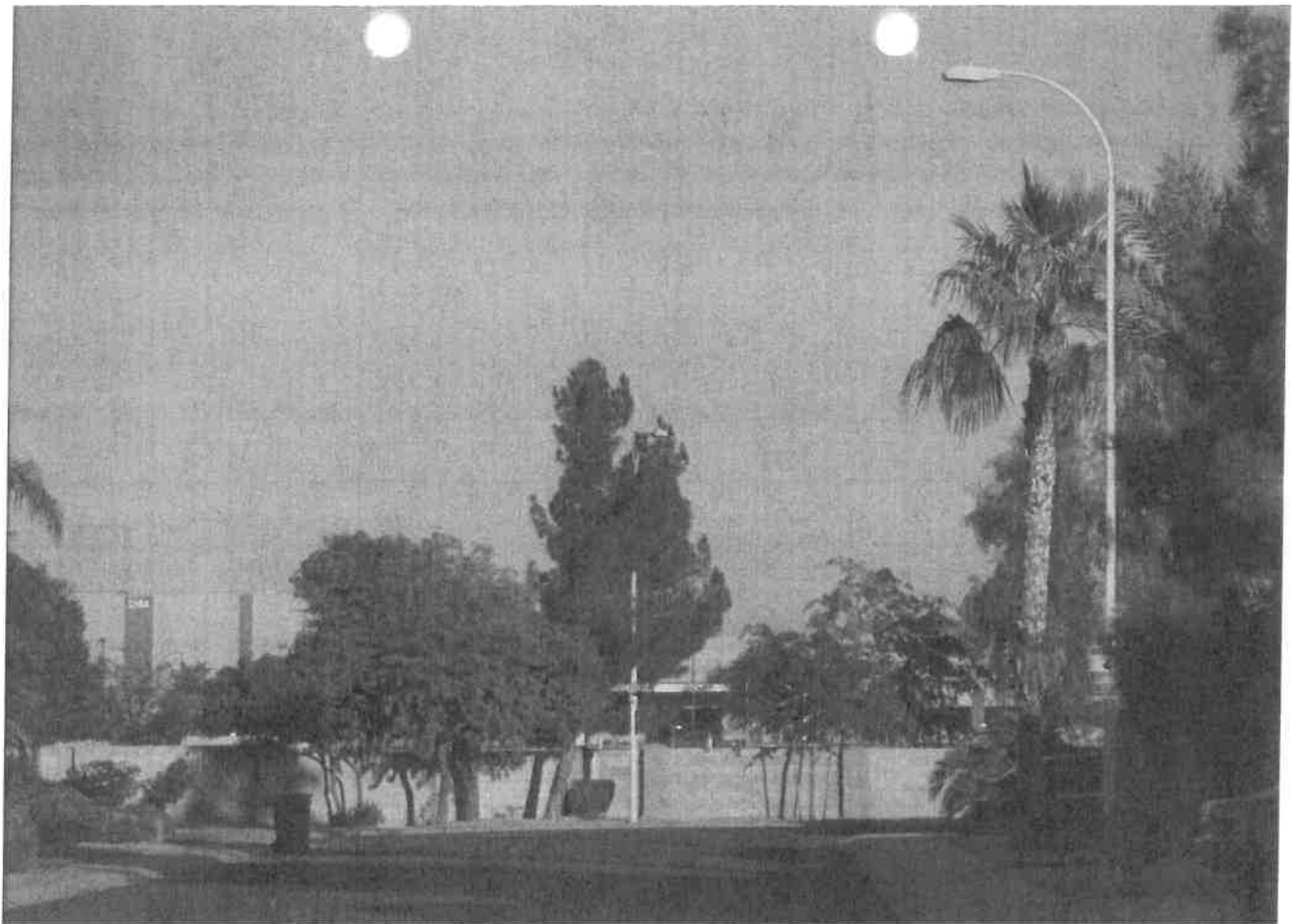
**From:** Claire Pavlus <cpavlus@yahoo.com>  
**Sent:** Friday, October 31, 2014 12:33 PM  
**To:** Stovall, Karen  
**Subject:** Discovery Business Campus Shutterfly Use Permit  
**Attachments:** DSCF1517.JPG; DSCF1518.JPG

Good Afternoon Karen,

I wanted to thank you for meeting with me and my neighbor, Lisa Zyriek on Monday morning about the Use Permit Application for the Shutterfly Development.

Per our discussion I have attached a couple of photos that I would like you to include for the hearing on Wed., Nov.5, 2014. The photos are taken from the corner of Todd and Anozira in our neighborhood and depicts traffic, and lack of screening, that occurs on the DBC inner loop road. This is cause for one of our concerns of nighttime truck traffic as requested in the Use Permit.

Thank you,  
Claire Pavlus  
7175 S Hazelton Ln  
Tempe, AZ 85283  
480-456-6660



## Stovall, Karen

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**From:** Gary or Debi Meyer <meyer11448@hotmail.com>  
**Sent:** Monday, November 03, 2014 6:42 PM  
**To:** Stovall, Karen  
**Subject:** Shutterfly

Hello Karen,

We live in the Oasis at Anozira - and we have been made aware of a request by Shutterfly for permission to have overnight truck traffic near our homes.

Please do not allow this intrusion into our peaceful lifestyle.

We prefer to not have truck traffic along Country Club Way.

Thank you for your consideration.

Regards,

Gary and Debi Meyer  
1964 E. Brentrup Drive  
Tempe

Hearing Officer  
City of Tempe

RE: PL140127

Attn: Karen Stovall

Many residents of the Oasis Neighborhood are opposed to nighttime deliveries as requested in the referenced Use Permit Application. We have cause for concern about the noise nuisance from back-up beepers, gears shifting, air brakes, and idling engines, and how this will negatively impact our quality of sleep, reduce property values, and reduce the ambient character (peace and quiet) of our neighborhood that we have enjoyed for almost 20 years.

Attached are signatures of a number of the residents opposed to nighttime deliveries between the hours of 10 p.m. and 6 a.m. anytime of the year.

Please consider the huge negative impact of this request on our neighborhood.

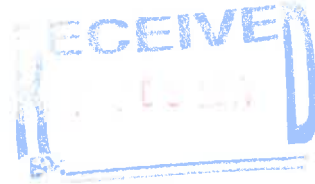
Respectfully Submitted,

Lisa Zyriek

Jane Ann Betken

Laura Reisinger

Claire Pavlus





RE: PL140127  
 SHUTTERFLY  
 7195 S SHUTTERFLY WAY

**PETITION TO TEMPE HEARING OFFICER**

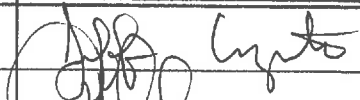
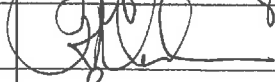
I am signing this petition to express disapproval of an Use Permit being issued for nighttime truck deliveries at 7195 Shutterfly Way. The use will create a noise nuisance to our residential neighborhood from back-up beepers, gears shifting, air brakes, and idling engines. This will negatively impact our quality of sleep, reduce property values, and change the ambient character (peace and quiet) that our neighborhood has enjoyed for 20 years.

NAME	SIGNATURE	ADDRESS	E-MAIL (OPTIONAL)
1. Helea Ann Chadwick		1977 E Divot Dr	nitrogenfixx@cox.net
2. Bruno Welfer		1989 E Divot Dr	welfer@asu.edu
3. Mark Contreras		1965 E Divot Dr	markcontreras.cox.net
4. Matt Lindley		1984 E Divot Dr	
5. Sandra L. Ruffin		1977 E. Divot Dr.	nitrogenfixx@cox.net
6. Karen McCarty		1964 E. Divot Dr	mmccarty66@yahoo.com
7. Ronald Webster		6923 S Clark Dr	RWEBCON@MSN.COM
8. Roy MASCORRO		1953 E. Divot DR	rmascorro@gmail.com
9. John HAGGARD		1939 E. Drake Dr.	
10. David Puffer		1975 E Drake Dr	
11. Kimberly Depiero		1979 E. Drake Dr	AZCORIANDER@GMAIL.COM
12. Donald White		1983 E. Drake Dr.	donald-white@cox.net
13. Diane White		1983 E Drake Dr	dianewhite@cox.net
14. Rachel White		1983 E Drake Dr	rachel_white@cox.net
15. Kelly Clark Covey		1967 E. Drake Dr.	clarkcovey@AOL.com
16. Carol Coffield		1974 E. DRAKE DR.	
17.			

RE: PL140127  
 SHUTTERFLY  
 7195 S SHUTTERFLY WAY

**PETITION TO TEMPE HEARING OFFICER**

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NAME	SIGNATURE	ADDRESS	E-MAIL (OPTIONAL)
1. Jeff Carpenter		1966 E. Drake Dr	
2. R Neelan		1981 E. Divot Dr.	
3. LARRY T. COOPER	Larry T. Cooper	1973 E. DIVOT DR.	phantom2@cox.net
4. MARY Ramseyer	Mary L. Ramseyer	1972 E Divot Dr	
5. Harry Ramseyer	Harry Ramseyer	1972 E Divot Dr	
6. PEGGY RAMSEYER	Peggy Ramseyer	1972 E. DIVOT DR.	
7. Paul Lopenberg	Paul P. Lopenberg	1968 E. Divot Dr.	
8. PHILLIP CARTER	Phillip Carter	17895. Hazelton Dr.	pcarter@live.com
9. Doug Scheithin	Doug Scheithin	7245 S HAZELTON LN	dscheithin@kw.com
10. CLAIRE PAVLUS	Claire Pavlus	7175 S. HAZELTON LN	cpavlus@yahoo.com
11. MARK BURTON	Mark Burton	7175 S Hazelton Ln	meburtsburton@yahoo.com
12.			
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14.			
15.			
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17.			

RE: PL140127  
 SHUTTERFLY  
 7195 S SHUTTERFLY WAY

**PETITION TO TEMPE HEARING OFFICER**

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NAME	SIGNATURE	ADDRESS	E-MAIL (OPTIONAL)
1. Lisa Zyriek	<i>Lisa Zyriek</i>	1977 E. Todd Dr.	<i>lisa.zyriek@juno.com</i>
2. Donald F. Zyriek II	<i>Donald F. Zyriek II</i>	1977 E. Todd Dr.	
3. Donald F. Zyriek III	<i>Donald F. Zyriek</i>	1977 E. Todd Dr.	
4. Richard Mckenzie	<i>R M</i>	1962 E. Stephens Dr.	
5. CINDY MAHER	<i>Cindy Maher</i>	1973 E Stephens Dr.	
6. Chris Judd	<i>Chris Judd</i>	1982 E Stephens Dr.	
7. Nancy CONRAD	<i>Nancy Conrad</i>	1976 E Dava Dr.	
8. PATRICIA MUNN	<i>Patricia Munn</i>	1985 E Dava Dr.	
9. George Blagojevic	<i>GB Blagojevic</i>	1981 S. DANA DR.	
10. Renuchandra	<i>Renuchandra</i>	1964 E. Dava Dr. Tempe.	
11. Hector Carr	<i>Hector Carr</i>	1973 E. Dava Dr. Tempe	
12. MICHAEL O'DELL	<i>Michael O'Dell</i>	1961 E. STEPHENS	
13. TOM LEACH	<i>Tom Leach</i>	1974 E. STEPHENS DR.	
14. Tanner and	<i>Tanner</i>	1970 E. Stephens Dr.	<i>Tanner and O(1)2@yah00.com</i>
15. Roy Thomas	<i>Roy Thomas</i>	1960 E Dava Dr.	
16. Craig Colin	<i>Craig Colin</i>	1965 E. Dava Dr.	<i>ckcolin@gmail.com</i>
17. Susan Colin	<i>Susan Colin</i>	1965 E Dava Dr.	

RE: PL140127  
 SHUTTERFLY  
 7195 S SHUTTERFLY WAY

**PETITION TO TEMPE HEARING OFFICER**

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NAME	SIGNATURE	ADDRESS	E-MAIL (OPTIONAL)
1. Sharon Ryan	<i>Sharon Ryan</i>	1968 E. Dava Dr.	sshapiro1@cox.net
2. Don Ryan	<i>Don Ryan</i>	1968 E DAVAL DR	11
3.			
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RE: PL140127  
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 7195 S SHUTTERFLY WAY

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NAME	SIGNATURE	ADDRESS	E-MAIL (OPTIONAL)
1. Lonbor Hallengrout	Hallengrout	7458 S Kenwood	
2. Meredith Smith	Meredith Smith	7434 S. Kenwood Ln	
3. Daryl Lafferty	Daryl Lafferty	7426 S. Kenwood Ln	
4. Gisele Lafferty	Gisele Lafferty	7426 S. Kenwood Ln	
5. Marisela Muñoz	Marisela Muñoz	1986 E. Todd Dr.	
6. Andrew Muñoz	Andrew Muñoz	1986 E. Todd Dr.	
7. Doug Janicik	Doug Janicik	1974 E. Todd Dr.	
8. Cindy Janicik	Cindy Janicik	1974 E Todd Dr	
9. Rukiyah Ogras	Rukiyah Ogras	1970 E Todd Dr.	
10. Umrit Ogras	Umrit Ogras	1970 E Todd Dr	
11. Amy Jehling	Amy Jehling	1964 E. Todd Dr.	
12. BRYAN JEHLING	Bryan Jehling	1966 E. TODD DR.	
13. Linda Rodriguez	Linda Rodriguez	1969 E Todd Dr.	
14. GILBERT RODRIGUEZ	Gilbert Rodriguez	1969 E. TODD DR.	
15. JANE ANNE BETKEN	Jane Anne Betken	1982 E. Todd Dr.	
16. Justin Betken	Justin Betken	1982 E. Todd Dr.	
17. Abir Hassan	Abir Hassan	1978 E. Todd Dr.	



RE: PL140127  
 SHUTTERFLY  
 7195 S SHUTTERFLY WAY

**PETITION TO TEMPE HEARING OFFICER**

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NAME	SIGNATURE	ADDRESS	E-MAIL (OPTIONAL)
1. George Hershberger	<i>George Hershberger</i>	184 E. Chilton Dr.	
2. Lu Anne Hershberger	<i>Lu Anne Hershberger</i>	1984 E. Chilton Dr	
3. ED McHUGH	<i>Ed McHugh</i>	1976 E CHILTON DR	
4. Helen C. McHugh	<i>Helen C. McHugh</i>	1976 E. Chilton Dr.	
5. Grace Karcher	<i>Grace E. Karcher</i>	1968 E, Chilton Dr.	
6. Patti Testa	<i>Patti Testa</i>	1972 E. Chilton Dr.	
7. Scott Bazzell	<i>Scott Bazzell</i>	1959 E. Chilton Dr	
8. Rebecca Bazzell	<i>Rebecca Bazzell</i>	1959 E. Chilton Dr	
9. Sooh Spian	<i>Sooh Spian</i>	1952 E Chilton Dr	
10. Eva Diaz	<i>Eva Diaz</i>	1964 E Chilton Dr	
11. Joni Layzett	<i>Joni Layzett</i>	1967 E Chilton Dr	
12. Bruce Layzett	<i>Bruce Layzett</i>	1967 E. Chilton Ave	
13. Karin Park	<i>Karin Park</i>	1971 E. Chilton Drive	
14. Christine Puzauskas	<i>Christine Puzauskas</i>	1975 E. Chilton Dr.	
15. <del>XXXXXXXXXXXX</del>			
16. <del>XXXXXXXXXXXX</del> TY YOUNG	<i>TY YOUNG</i>	1979 E CHILTON DR	
17. TY YOUNG	<i>TY YOUNG</i>	1979 E CHILTON DR	

RE: PL140127  
 SHUTTERFLY  
 7195 S SHUTTERFLY WAY

**PETITION TO TEMPE HEARING OFFICER**

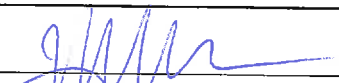
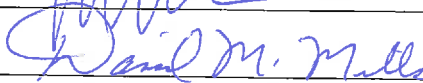
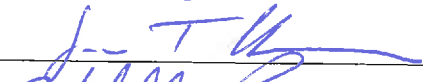


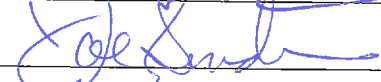

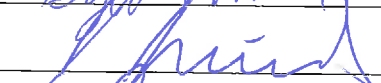

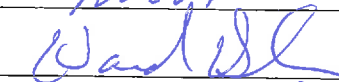
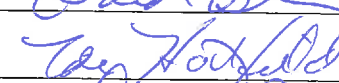
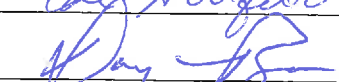
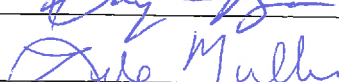
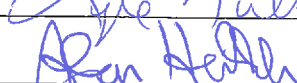
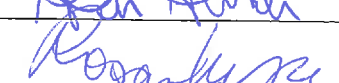
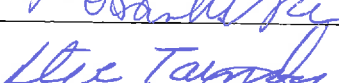

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NAME	SIGNATURE	ADDRESS	E-MAIL (OPTIONAL)
1. PAUL D. BAKER	<i>Paul D. Baker</i>	1982 E. TODD DR. TEMPE, AZ <sup>85283</sup>	
2. FRANCIS FRIGO	<i>Francis Frigo</i>	1981 E. Todd Dr.	
3. Tommy Frigo	<i>Tommy Frigo</i>	" " " "	
4. Regina Frigo	<i>Regina Frigo</i>	1981 E. Todd Dr.	
5.			
6.			
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RE: PL140127  
 SHUTTERFLY  
 7195 S SHUTTERFLY WAY

**PETITION TO TEMPE HEARING OFFICER**

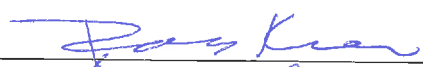

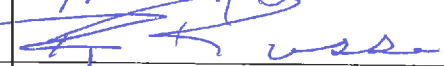



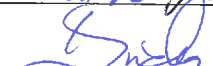
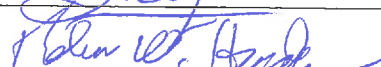
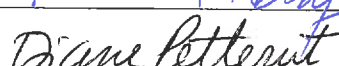
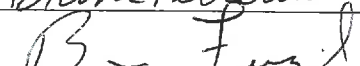


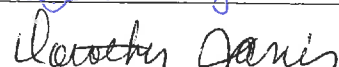
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	NAME	SIGNATURE	ADDRESS	E-MAIL (OPTIONAL)
1.	Mike Mason		1961 E McNair Dr	
2.	DAVID MILLS		1977 E M'NAIR DR.	
3.	JAMES THORBURN		1978 E. McNair Dr	
4.	Tyson Philippi		1974 E McNair	
5.	Troy Buchanan		1970 E. McNair. Dr.	
6.	Joe Snider		1966 E. McNair Dr.	
7.	Syed Umer		1962 E. McNair Dr	
8.	Joe Jakubick		1976 E Brentrup Dr	
9.	Brian Ellis		1971 E, Brentrup Dr.	
10.	WARD HEIN		1950 E BRENTRUP DR.	
11.	TOM HATFIELD		1950 E. BRENTRUP DR.	
12.	Doug Boone		1978 E. Brentrup Dr.	
13.	LYLE MULLEN		1932 E BRENTRUP DR	
14.	Alan Heikkila		1951 E. Chilton Drive	
15.	Prosanne Kuipers		1955 E. Chilton Dr.	
16.	Steve Tansky		7406 E Hazelton	
17.	LAWA REISINGER		7378 S. HAZELTON	

RE: PL140127  
 SHUTTERFLY  
 7195 S SHUTTERFLY WAY

**PETITION TO TEMPE HEARING OFFICER**

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NAME	SIGNATURE	ADDRESS	E-MAIL (OPTIONAL)
1. Doug King		1984 E BREWSTER	
2. Harold K. Schyles		7413 S. Hazelton Ln.	
3. BOB CRUSSA		1459 E. OASIS DR	
4. JEFF NELSON		7355 S. HAZELTON LN	
5. THERON J. JOHNS		7371 S. HAZELTON LN	
6. Judith Diane Dunkin		7350 S HAZELTON LN	
Susie Ong		1936 E. Stephens Dr.	
8. Robert W. Hardy		7392 S. Hazelton Ln	
9. Diane Pitterut		7088 S. Kachina Dr.	
10. BRIAN FUGIT		1970 E. STEPHENS DR	
11. William		1803 E DAWN DR	
12.			
13. GARY MEYER		1964 E. BREWSTER	
14. Dorothy Janis		1823 E Drake Drive	
15.			
16.			
17.			

**Stovall, Karen**

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**From:** The Overtons <theovertons@cox.net>  
**Sent:** Monday, November 03, 2014 9:47 PM  
**To:** Stovall, Karen  
**Cc:** Mitchell, Mark; Abrahamson, Steve; Nakagawara, David; Levesque, Ryan; Ryan, Nancy  
**Subject:** Use Permit Application - PL140127 Objection  
**Attachments:** Signatures against Shutterfly Use Permit - Trucks overnight.pdf; ATT00001.htm

November 2, 2014

Senior Planner Karen Stovall

City of Tempe

31 E. 5<sup>th</sup> St.

Tempe, AZ 85281

Dear Ms. Stovall:

We the undersigned oppose the use permit for Shutterfly (Discovery Business Campus – Development Site 6 [PL140127] located at 7195 South Shutterfly Way) in an industrial development adjacent to two residential areas. If approved, this permit would allow for intrusive noise into our bedrooms between 10:00 PM and 6:00 AM, between September and December annually. This noise will not only be disruptive but also lower our property values. Per city policy, no permit may be issued under the following circumstances.

**TEMPE CITY CODE**

Nuisances and Property Enhancement Section 21-2: The purpose of this chapter is to promote the health, safety and welfare of Tempe and its residents, and to protect neighborhoods against physical, visual and economic deterioration. To that end, it is a violation of this article to erect, maintain use, place, deposit, cause, allow, leave or permit to remain on any property any conditions that: item 5 – Obstruct the free use of property so as to essentially interfere with the comfortable enjoyment of life and property by the public;

**TEMPE ZONING AND DEVELOPMENT CODE**

Chapter 3, Section 1-301: .....making decisions under this Code created for the purpose of conserving and promoting the public health, safety and general welfare, and aiding in the harmonious, orderly, and progressive development of the city.

**Section 6-308 Use Permit**

E Approval Criteria

1. A use permit shall be granted only upon a finding by the decision-making body, that the use covered by the permit, the manner of its conduct, and any *building* which is involved, will not be detrimental



to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in full conformity to any conditions, requirements, or standards prescribed therefore by this Code.

2. In arriving the above determination, the following factors shall be considered, but not be limited to:
  - a. Any significant increase in vehicular or pedestrian traffic;
  - b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
  - c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which, is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan;
  - d. Compatibility with existing surrounding *structures* and uses, and;
  - e. Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public.

## **CHAPTER 5-600 TRANSPORTATION OVERLAY DISTRICT**

### **Section O – Loading, Delivery, and Service Entrances**

Item 4 – Deliveries during daylight off-peak traffic hours are preferred (when noise is not in conflict with residential uses).

The proposed use permit violates the city of Tempe Code.

Contrary to what the applicant states in their letter, this use permit will adversely impact our nearby properties with noise pollution/nuisance above the ambient conditions every night for 1/3 of the calendar year. All homes on the north side of the canal have master bedrooms that are located on the second floor at the back (south-side) of the homes. Some of these bedrooms are as close as 430 feet of the loading dock. The noise that will be generated from these delivery trucks is above ambient conditions for these bedrooms. These trucks will create above ambient noise levels due to air brakes, gear shirting and backup alarms that cannot be disabled for safety reasons. The noise from these alarms is typically between 97 and 112 decibels (dB) according to various noise control sites listed on the Internet. This dB range is equivalent to a subway train at 200' to a snowmobile or motorcycle. (See attached Galen Carol Audio Decibel Comparison Chart.) To our knowledge no decibel testing has been done at our properties, especially on the second story of our residences.

Applicant states it is limited to only 8 trucks per night. If it is only 8 trucks, it seems that they can modify schedules so these 8 trucks can deliver during non-sleep hours so as not to impact household sleep for children and adults.

The noise throughout the night will adversely impact residents and property values. This use permit and the detrimental effects would have to be part of disclosure when selling a home in this area, thus reducing it's property value. This reduction as a result of the use permit is a violation of city code.

Applicant states they strongly believe in being a good neighbor and it is not in the interest of the Applicant, Campus or Shutterfly to allow behavior that disrupts neighbors. If this is really true, they should withdraw the use permit for overnight truck delivery.

We the undersigned respectfully request that this Use Permit be denied as it is in violation of Tempe City Code.

cc: Honorable Mayor Mitchell  
Mr. Steve Abrahamson, Planning & Zoning Coordinator  
Mr. Dave Nakagawara, Community Development Director  
Hearing Officer

Attachment: Signature Sheet

**Residents against Use Permit ZUP14119  
Discovery Business Campus  
Truck Use Overnight**

SIGNATURE	ADDRESS	DATE
TIMOTHY + DEBORAH GERTSON	2021 E. DIAMOND DRIVE, TEMPE	11/2/14
ALICE	2009 E DIAMOND DR. TEMPE	11/2/14
MARI GILSACK	2009 E DIAMOND DR TEMPE	11/2/14
PAIGE GILSACK	2009 E. DIAMOND DR. TEMPE	11/2/14
TAMMIE	2009 E. DIAMOND DR. TEMPE	11/2/14
E. DENTON	2015 E DIAMOND DR TEMPE	11-2-14
MAUREEN JOGARTY	2015 E. DIAMOND DR TEMPE	11-2-14
ELEANOR J KELLY	2034 E. DIAMOND DR TEMPE	11-2-14
VASILE ROMEGA-THOMPSON	6910 S Clark Dr, Tempe, 85283	11-2-14
STURLEY VICK	2051 E DIAMOND DR. TEMPE 85283	11-2-14
RAY	2051 E DIAMOND DR. TEMPE 85283	11-2-14
RONALD WEBSTER	6923 S Clark, Tempe 85283	11-2-14
ART PIZ	2045 E. DIAMOND TEMPE 85283	11/2/14
LOWE PERREN	2045 E. DIAMOND DR, TEMPE 85283	11/2/14
MATTHEW MADRICH	2039 E DIAMOND DR TEMPE 85283	11/2/14
RANDY E. HELBARTZ	2033 E. DIAMOND DR TEMPE 85283	11/2/14
SHERRILL L HOWEL	2033 E DIAMOND DR TEMPE 85283	11/2/14





## Stovall, Karen

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**From:** Doug King <kingfish135@hotmail.com>  
**Sent:** Friday, November 07, 2014 10:12 AM  
**To:** Higgins, Elizabeth; Methvin, Steven; Branom, Mike; Spisz, Parrish; Nakagawara, David; Levesque, Ryan; Stovall, Karen  
**Subject:** Discovery Park Deliveries / Country Club Way/Shutterfly

Good day all,

I will be brief, as there is already plenty of ongoing activity and discussion related to the Discovery Business Park / Shutterfly progress, and it's and unavoidable impact on surrounding neighborhoods.

Myself and my wife Brandi are original Oasis residents (19 years/35 years in Tempe/ASU grads), and live on the eastern boundary of the neighborhood, bordering the Discovery /Wentworth property and Country Club/Shutterfly Way. Our residences are just on the other side of the neighborhood wall from Way/Shutterfly Way.

We support the Discovery project as a whole, as it is good for Tempe.

I have been involved with the developer and their representatives (Gammage & Burnham) since the beginning, and we have mutually orchestrated, along with the City's influence, acceptable compromises on past issues (retail space, drive thru, landscaping, buffering, setbacks. etc)

The variance being sought for night deliveries via the internal loop road is a related issue, but that is not the focus of this email/inquiry.

To keep this email specific, the ultimate question/opposition myself and many other neighbors have, is regarding the non-use of Country Club Way/Shutterfly Way for deliveries to ANY/ALL businesses located (or to be located) within the Discovery property.

I have been told that the City has already determined that NO DELIVERIES will be permitted via Country Club/Shutterfly Way to any businesses within the campus, and will insure the proper ordinance and signage is implemented. I have been out of the country, so am getting caught up on things. I have seen some email communication from city employees stating this to be the case, but we need to confirm this in order to put some concerns to rest and focus our joint efforts on other matters.

We, along with a significant group of organized neighbors, would simply like some confirmation from the City, that this will be the case, and some ancillary information regarding the subject, if possible. If we can get assurance of this, I believe it will be very beneficial to help reach compromise on the other delivery issues/concerns from both of the affected neighborhoods.

I/we appreciate your help, support, and assuring response on this matter.

Thanks and best regards,

Doug King  
480 861 5021



## Stovall, Karen

---

**From:** lisa.zyriek@juno.com  
**Sent:** Friday, November 07, 2014 10:21 AM  
**To:** Stovall, Karen  
**Subject:** Fw: RE: Comments on Conditions for Approval to include in Staff's recommendation

Hi Karen,

Thank you for organizing the meeting last night. I wish that I could have made it sooner but I had a 4:30 doctor's appointment near Chandler Regional Hospital that I couldn't get re-scheduled on short notice. The neighbors were very appreciative of the opportunity to have a discussion with City Staff.

I would also like to make sure that the comments that I sent to Elizabeth Higgins, the Mayor's Assistant, on November 5, make it into the next packet that you are preparing as you re-work the City's recommendation. A copy of that note is below. Do I need to officially address it to you or is this copy adequate? Please let me know.

Thank you.

Lisa

----- Forwarded Message -----

From: "Higgins, Elizabeth" <Elizabeth\_Higgins@tempe.gov>  
To: "lisa.zyriek@juno.com" <lisa.zyriek@juno.com>  
Subject: RE: Comments on Conditions for Approval  
Date: Wed, 5 Nov 2014 23:44:55 +0000

Lisa,

I've passed these along to staff. I'll be in touch.

Elizabeth Higgins

Assistant to the Mayor

City of Tempe | Mayor and Council

31 E. Fifth Street, 3<sup>rd</sup> floor | Tempe, AZ 85281

480-350-8965

[elizabeth\\_higgins@tempe.gov](mailto:elizabeth_higgins@tempe.gov)

Visit [www.tempe.gov](http://www.tempe.gov) to connect with the City of Tempe.

Or follow us on Twitter and Facebook and get our latest news.

**From:** lisa.zyriek@juno.com [mailto:lisa.zyriek@juno.com]  
**Sent:** Wednesday, November 05, 2014 3:05 PM  
**To:** Higgins, Elizabeth  
**Subject:** RE: Comments on Conditions for Approval

Hi Elizabeth,

We have been reviewing the information that you sent to me in the e-mail at the bottom of this note. You had said that you would share any feedback you received with the Community Development office so we would like to do that via this e-mail.

We have some concerns that we would like to share with you and Staff and hope that you will consider some verbiage changes to what you originally provided yesterday afternoon.

The second item that you mention below comes from Conditions of Approval, ZUP14119, item #2, page 4 of the 27 page document that was provided via a link in your e-mail. We would like the City to explain and provide an example of how a complaint would be verified "by a consensus of the complaining party and the City Attorney's office," and would like that language added here.

**Also, we don't believe that Code Compliance should be the responsibility of the neighborhood but rather the Applicant for this Use Permit.** We would like Shutterfly to take responsibility for the enforcement of the delivery trucks only using the internal loop road. Please ask them how they will accomplish this. For example, write this provision in their contracts with delivery vendors, truck dock foremen report the arrival and departure direction, weekly review of security camera footage to ensure compliance, and review with delivery vendors that Country Club Way/Shutterfly Way is closed for all deliveries. **Can this compliance information be added to either this document or to a document that the Applicant submits?**

The third item in the e-mail below comes from Conditions of Approval, ZUP14118, item #4, page 4 of the 27 page document aforementioned. We would like to see the wording revised to read, "**Any intensification or**

**expansion of use shall require a new use permit and notification to every resident that either signed a petition and/or wrote a letter to the City, and/or met the City's notification requirements, during the original use permit hearing process."**

The fourth item you list comes from Conditions of Approval, ZUP 14119, item #4, from the document mentioned above. We would like for the wording to be revised so that **the use permit is NOT transferable to successors of the site location**. We want a successor to have to re-apply for the use permit and contact all parties involved in the original use permit proceeding (those residents that either signed the petition and/or wrote a letter to the City, and/or met the City's notification requirements).

We appreciate you passing along our comments to the City Staff. Since the use permit affects a large portion of our community, we would like to ensure that any future actions are communicated to as many of our residents as possible and not just those within 300 feet of the Shutterfly property line (the current City Code). We also feel it is important to protect our neighborhood from any unknown future industrial customer at the Shutterfly site. If Shutterfly leaves that site, we would expect the City to value the protections provided in the General Industrial Overlay District Codes regarding being next door to a Residential development. It would be important to start the process over to determine if a continuation of the use permit would be a good fit next to a residential community.

Thank you again for passing along these comments. Please let me know if you have any questions.

Lisa

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

Lisa,

Thank you again for contacting the Tempe City Council regarding the proposed issuance of a use permit to allow the use of trucks in excess of 5 ton capacity before 6:00am and after 10:00pm during the months of September, October, November and December at the Shutterfly site located on the Discovery Business Campus. I wanted to give you an update on this issue.

Let me please first note that it is my understanding that the applicant will be requesting a continuance at tomorrow's meeting in order to further meet with neighbors regarding this use permit. If delayed, the question of the use permits would go to the November 18<sup>th</sup> meeting with the Hearing Officer.

Staff has been working with the applicant to address the neighbors and is recommending approval with the conditions for approval below.

1. This Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed, and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
  
2. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney's office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.
  
3. Any intensification or expansion of use shall require a new Use Permit.
  
4. This Use Permit is valid for Shutterfly and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
  
5. The use of trucks in excess of five (5) ton capacity before 6:00 a.m. and after 10:00 p.m. shall only occur between the months of September and December and shall be limited to eight trucks per day. The use of these trucks from

January through August shall be limited to the hours of 6:00 a.m. through 10:00 p.m.

6. All trucks accessing the truck court shall be directed to do so via Price Road, Elliot Road, and the internal loop road.

Shutterfly Way shall not be used for delivery trucks.

The staff report containing these stipulations can be found at <http://www.tempe.gov/Home/ShowDocument?id=28896>.

Staff has also recommended the following stipulations be discussed at the public hearing with the Hearing Officer.

<![if !supportLists]>7. <![endif]>All trucks accessing the truck court shall be directed to do so via Price Road, Elliot Road, and the internal loop road. Shutterfly Way shall not be used for delivery trucks. Prior to Certificate of Occupancy, "No Delivery Access" signs shall be installed along Shutterfly Way. Specific sign language and locations shall be submitted and approved prior to installation.

<![if !supportLists]>8. <![endif]>Within six months following the first season (September through December) using trucks in excess of five (5) ton capacity before 6:00 a.m. and after 10:00 p.m., the Applicant shall return to the Hearing Officer for review of compliance with the conditions of approval.

Please let us know if you have any questions or concerns. I am happy to pass along any input to our Community Development staff.

Elizabeth Higgins

Assistant to the Mayor

City of Tempe | Mayor and Council

31 E. Fifth Street, 3<sup>rd</sup> floor | Tempe, AZ 85281

480-350-8965

[elizabeth\\_higgins@tempe.gov](mailto:elizabeth_higgins@tempe.gov)

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Or follow us on Twitter and Facebook and get our latest news.

**From:** [lisa.zyriek@juno.com](mailto:lisa.zyriek@juno.com) [mailto:[lisa.zyriek@juno.com](mailto:lisa.zyriek@juno.com)]  
**Sent:** Monday, November 03, 2014 9:38 PM  
**To:** Higgins, Elizabeth  
**Subject:** Petitions turned in with signatures

Hi Elizabeth,

Claire got the original petitions to Karen Stovall in the Planning Office this morning. She scanned all of them in but didn't get a chance to send them to you. So, attached you will find the first group of petitions. We split them into two groups so they wouldn't take up as much memory.

We have 113 people on the petitions representing 88 households that are concerned about the night time deliveries at Shutterfly. This represents about a fourth of our community. (We collected these in two days!) I just wanted to share that with you.

Also, we met with Rob Lane from Gammage and Burnham and Matt Brucker from Wentworth Properties this afternoon. We appreciate that they have agreed to close all deliveries (day and night) on Country Club Way/Shutterfly Way. We also appreciate that they have agreed to an automatic review hearing if the Use Permit goes into effect.

Since so many Oasis residents expressed concern about the night time deliveries, it seems like an additional piece or two needs addressed. One would be the time frame. Matt shared that Shutterfly's "busy time" is for 2 months, November and December. We would like for them to consider adjusting the time frame to Oct. 15 instead of September 1?

Also, could we still address having the trucks go in and out of the Northern portion of the loop road? It would be really nice to be able to offer something else back to the Oasis residents in terms of a compromise on this project.



As I mentioned over the phone, we want Shutterfly to be successful. We're glad they chose Tempe for their facility. I would hope it was disclosed before they started building, that there were limitations in place for night time deliveries because of a GIOD being located next to a residential neighborhood. Surely Shutterfly's success does not rely completely on night time deliveries but on the other 16 hours each day that they can operate (between 6 am and 10 pm).

I hope you will consider presenting these options. Neither of the Gammage/Wentworth representatives wanted to talk about any other options other than the two aforementioned.

Thank you. I look forward to being in touch tomorrow.

Lisa Zyriek

Please note: forwarded message attached

## Stovall, Karen

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**From:** Doug King <kingfish135@hotmail.com>  
**Sent:** Friday, November 07, 2014 11:33 AM  
**To:** Higgins, Elizabeth; Methvin, Steven; Branom, Mike; Spisz, Parrish; Nakagawara, David; Levesque, Ryan; Stovall, Karen  
**Subject:** FW: Country Club Way - ALL Truck Deliveries to Discovery

Good day all,

Pursuant to my prior mail to you on this subject, please see input below from Rob Lane.

From a City standpoint, your support and cooperation to restrict ANY/ALL deliveries to ALL Discovery property business via Country Club/Shutterfly Way will be much appreciated and valued by the neighborhood residents.

I will communicate to the neighborhood per your forthcoming feedback and input.

Thanks again,

Doug King  
480 861 5021

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**From:** [rlane@gblaw.com](mailto:rlane@gblaw.com)  
**To:** [kingfish135@hotmail.com](mailto:kingfish135@hotmail.com)  
**Subject:** RE: Country Club Way - ALL Truck Deliveries to Discovery  
**Date:** Fri, 7 Nov 2014 18:02:29 +0000

Hi Doug,

Tempe staff has recommended a condition for approving the use permit to allow limited use of delivery trucks at Shutterfly during overnight hours that, pursuant to our current understanding, would require the portion of Shutterfly Way adjoining the Shutterfly project site to be signed to not allow delivery access regardless of the time of day.

While Wentworth Property Company (WPC) would be happy to sign all of Shutterfly Way to restrict delivery access, WPC no longer controls the entire retail site. As a result, WPC cannot commit to signing the portion of Shutterfly Way adjoining the Campus's retail site to restrict delivery access. Since WPC does control all other portions of the Campus, WPC will be happy to sign Shutterfly Way to restrict delivery access from all portions of Shutterfly Way located north of the retail site.

The hearing for the use permit requests for Shutterfly is now scheduled for 1:30 p.m. on November 18<sup>th</sup> at the Tempe City Council Chambers (31 E. 5<sup>th</sup> Street).

Please let us know if you have any questions.

Thanks,

Rob

**Robert Lane**  
Land Use Planner  
(602) 256-4439  
[rlane@gblaw.com](mailto:rlane@gblaw.com)

**Gammage & Burnham**  
Two North Central Avenue, 15th Floor  
Phoenix, Arizona 85004  
Main: (602) 256-0566  
Fax: (602) 256-4475  
Web: <http://www.gblaw.com/>

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## Stovall, Karen

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**From:** Nitrogenfixx <nitrogenfixx@cox.net>  
**Sent:** Sunday, November 09, 2014 5:44 PM  
**To:** Stovall, Karen  
**Subject:** Shutterfly

We, have lived with dirt, noise, and construction, that begins ,VERY EARLY EVERY MORNING EXCEPT SUNDAY, since they began this project over a year ago. It brings in \$\$\$\$\$\$ to the developer, future businesses, and tax \$\$\$\$\$\$ for Tempe. HOWEVER; this has totally ruined the quiet enjoyment for those of us residents that live on the east end of the Oasis. We attended all those meeting, two years ago, and you pretended to listen to our concerns. You then, proceeded directly ahead with what you wanted to do and changed many more things to your advantage. Our property values will and are suffering due to this NOISY MONSTROSITY being built almost directly in our faces. No one will buy our homes! As soon as the industrial plant becomes operational, we will have to contend with CONSTANT NOISE associated with the production facility AND THE CONSTANT NOISE OF THE DELIVERY TRUCKS. In addition, construction will continue for several more years to complete this MEGA INDUSTRIAL CENTER. SHAME ON THE DEVELOPER AND EACH OF THE EMPLOYEES FOR THE CITY OF TEMPE THAT GAVE THEIR APPROVAL FOR ALLOWING this entire project to be built so close to residences and DESTROYING OUR HOMES, LIVES AND HOME VALUES. YOU ALL DID THIS IN THE NAME OF GREED!

We are well aware, you could care less about the residents. We are your "sacrificial lambs". You all have sold out to the highest bidder! How about using some of that money you are making and buy our homes so we can move away from this monster you all have put on us!

Sandy Ruffin

Ann Chadwick

Divot Drive

## Stovall, Karen

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**From:** lisa.zyriek@juno.com  
**Sent:** Wednesday, November 12, 2014 12:49 PM  
**To:** Stovall, Karen  
**Cc:** Higgins, Elizabeth; Levesque, Ryan; Nakagawara, David; Methvin, Steven; Branom, Mike; Spisz, Parrish; Taaffe, Sue; Ching, Andrew; Abrahamson, Steve  
**Subject:** Re: Stipulations for Consideration - Shutterfly

Hi Karen,

Thank you for responding to my questions and comments from Nov. 5. I continue to be disappointed that the response from City personnel is either "no" or "we can't do it because." It is frustrating as a lay person (someone that is not a lawyer or a city planner) that the only item of concern to the City is the City Code and since it is referenced so often, I apparently need to become an immediate expert to participate in the conversations with the planners and the developer's lawyers.

It would be nice if someone would assist a tax paying resident of the City of Tempe through this process and perhaps even helped think outside the box so that we could find ways for the residents and developers to work together to make the potential use permit situation more tolerable, instead of just supporting the developer because they have met all of the code requirements. Even if the developer isn't required by code to do something, the city can ask (just as I have) that the developer agree to something and see if they will put it in writing.

In addition to meeting Code requirements, it would be nice if the City had a "reasonable man rule." That is, does the proposed use permit seem reasonable? If any of you would like to see what the potential night time noise levels might be, I would invite you to come down at 6 am tomorrow morning to hear for yourself what back-up beepers sound like. Construction trucks have been busy for awhile and we have been able to experience first hand what this noise sounds like. I can assure you, it doesn't matter if the truck is 600 feet away or 800, you can still hear it from almost anywhere in my neighborhood.

Since most of the exterior walls are also up, you can see for yourself just how close the Shutterfly buildings are to the Oasis community. There is no way that this cannot negatively impact the property values of our homes.

I am one of 113 people representing 88 households that asked to prohibit the use permit for night time deliveries at Shutterfly. I know that Staff supports the use permit for the above code reasons, instead of the "reasonable man" conditions. **In the event that the hearing officer approves the permit, I would like the following stipulations as part of the Conditions for Approval.**

1. We want all truck deliveries (regardless of size), all day, 7 days a week, prohibited from Country Club Way/Shutterfly Way. We would like to know in advance (right now) what the specific signage will say. We also want this condition to stay intact if Wentworth (WPC) sells off future parcels from the Discovery Business Campus (DBC) to another owner.
2. We would like No Parking signage along the entire length of CCW/Shutterfly Way.
3. We want it stated that truck idling and horn "honking" are prohibited.

4. We agree with the Staff's recommendation for an automatic compliance review within the first six months following the first season to review the use permit conditions of approval. All parties participating in the original hearing (those signing petitions, writing to the Council and Staff (planning department), those presenting comments at the Hearing, and/or those that met the City's notification requirements), will be notified of the compliance review hearing.

5. We don't believe that Code Compliance should be the responsibility of the neighborhood but rather the Applicant for this Use Permit. We understand that the City cannot require the Applicant to do certain things like put language in private contracts to ensure that any delivery trucks will access the internal loop road instead of utilizing CCW/Shutterfly Way. However, we would like the City to approach the Applicant and ask them to provide them with information as to how they will enforce this requirement and to include this as "factual evidence" at the Hearing. I have asked this and the Applicant has not provided any information. Perhaps if the City asked, the Applicant would agree to provide this information. (This is one of those areas where I would like the City's assistance, either through the Council or through Planning Staff, to think outside the box and work us to address this issue).

6. Any intensification or expansion of use shall require a new use permit and notification to every resident that either signed a petition and/or wrote a letter to the City, presented comments at the Hearing, and/or met the City's notification requirements, during the original use permit hearing process.

7. Even though you stated that Use Permits are transferable, we would like you to approach the Applicant and see if they will waive this provision. We want a successor to have to apply for the use permit and contact all parties involved in the original use permit proceeding, that is every resident that either signed a petition and/or wrote a letter to the City, presented comments at the Hearing, and/or met the City's notification requirements, during the original use permit hearing process.

8. The Applicant has stated that their busy season is the last two months of the year. Thus, we would like the Applicant to only be able to have night time deliveries from October 15 through the end of the year. This would be generous enough to support their peak requirements.

9. All trucks accessing the truck court shall be directed to do so via either Price Road or Elliot Road to get to the internal loop road on the DBC. CCW/Shutterfly Way shall not be used for any size delivery trucks, any time of the day, any day of the week.

It should be noted that **a Noise Study was not required for the use permit application.** I'm not sure why. There are plenty of studies available as to the decibel levels that are produced by trucks in excess of 5 ton capacity, particularly regarding back-up beepers, gear shifting, air brakes, and truck idling. This information should have been required for this use permit application.

It should also be noted that **the City has many noise ordinances in place to protect residential neighborhoods from noisy neighbors.** Interesting that the same consideration is not given regarding noisy commercial/industrial neighbors.

Thank you for reviewing the above proposed stipulations and for **providing a copy to the Hearing Officer.** I am happy to work with any Council or Planning Staff that is willing to come up with creative solutions to the issues outlined above. Please let me know.

We want Shutterfly to be successful. They have already committed to Tempe and their building is going up. They were aware of the restrictions on night time deliveries before they agreed to build. They have 16 hours (between 6 am - 10 pm) to conduct their business. They shouldn't need additional night time deliveries as well, especially when they are located next to a residential neighborhood.



Thank you.

Lisa

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

From: "Stovall, Karen" <Karen\_Stovall@tempe.gov>  
To: "lisa.zyriek@juno.com" <lisa.zyriek@juno.com>  
CC: "Higgins, Elizabeth" <Elizabeth\_Higgins@tempe.gov>, "Levesque, Ryan" <ryan\_levesque@tempe.gov>, "Nakagawara, David" <David\_Nakagawara@tempe.gov>, "Methvin, Steven" <Steven\_Methvin@tempe.gov>, "Branom, Mike" <Mike\_Branom@tempe.gov>, "Spisz, Parrish" <Parrish\_Spiz@tempe.gov>, "Taaffe, Sue" <sue\_taaffe@tempe.gov>, "Ching, Andrew" <Andrew\_Ching@tempe.gov>, "Abrahamson, Steve" <Steve\_Abrahamson@tempe.gov>  
Subject: FW: Comments on Conditions for Approval  
Date: Mon. 10 Nov 2014

Hi Lisa,

Below are responses to the four comments you outlined below.

- <![if !supportLists]>1. <![endif]>This condition means that if complaints are unable to be resolved by Code Compliance or Police outside of a hearing setting, the department/division handling those complaints and the City Attorney's Office may determine that re-evaluation of the use permit is necessary at a hearing. An explanation and an example will not be included in the staff report, as this is reviewed on a case-by-case basis.
- <![if !supportLists]>2. <![endif]>The applicant has stated that they will coordinate the access of delivery trucks with the delivery companies. The city is unable to require businesses to put specific language in private contracts, require employees to do certain tasks, etc. Please see ZDC Sec. 6-308.G for the type of conditions that may be placed on a Use Permit approval.
- <![if !supportLists]>3. <![endif]>We will look into a condition regarding the required notification of future requests to expand the use.
- <![if !supportLists]>4. <![endif]>Per ZDC Sec. 6-903, Use Permits are transferable. Transfer requests are done as administrative applications and, if approved, the use is subject to any previous conditions of approval. If staff determines that the proposed business will not operate in a similar fashion to that of an approved use and comply with the conditions of approval, we may deny a transfer and require an applicant to apply for a new Use Permit.

Thank you,

The second item that you mention below comes from Conditions of Approval, ZUP14119, item #2, page 4 of the 27 page document that was provided via a link in your e-mail. We would like the City to explain and provide an example of how a complaint would be verified "by a consensus of the complaining party and the City Attorney's office," and would like that language added here.

**Also, we don't believe that Code Compliance should be the responsibility of the neighborhood but rather the Applicant for this Use Permit.** We would like Shutterfly to take responsibility for the enforcement of the delivery trucks only using the internal loop road. Please ask them how they will accomplish this. For example, write this provision in their contracts with delivery vendors, truck dock foremen report the arrival and departure direction, weekly review of security camera footage to ensure compliance, and review with delivery vendors that Country Club Way/Shutterfly Way is closed for all deliveries. **Can this compliance information be added to either this document or to a document that the Applicant submits?**

The third item in the e-mail below comes from Conditions of Approval, ZUP14118, item #4, page 4 of the 27 page document aforementioned. We would like to see the wording revised to read, "**Any intensification or expansion of use shall require a new use permit and notification to every resident that either signed a petition and/or wrote a letter to the City, and/or met the City's notification requirements, during the original use permit hearing process.**"

The fourth item you list comes from Conditions of Approval, ZUP 14119, item #4, from the document mentioned above. We would like for the wording to be revised so that **the use permit is NOT transferable to successors of the site location.** We want a successor to have to re-apply for the use permit and contact all parties involved in the original use permit proceeding (those residents that either signed the petition and/or wrote a letter to the City, and/or met the City's notification requirements).

We appreciate you passing along our comments to the City Staff. Since the use permit affects a large portion of our community, we would like to ensure that any future actions are communicated to as many of our residents as possible and not just those within 300 feet of the Shutterfly property line (the current City Code). We also feel it is important to protect our neighborhood from any unknown future industrial customer at the Shutterfly site. If Shutterfly leaves that site, we would expect the City to value the protections provided in the General Industrial Overlay District Codes regarding being next door to a Residential development. It would be important to start the process over to determine if a continuation of the use permit would be a good fit next to a residential community.

Thank you again for passing along these comments. Please let me know if you have any questions.

Karen Stovall

Planning Division

Community Development Dept.

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**From:** Higgins, Elizabeth  
**Sent:** Wednesday, November 05, 2014 3:12 PM  
**To:** Levesque, Ryan; Nakagawara, David; Stovall, Karen  
**Cc:** Methvin, Steven; Spisz, Parrish; Branom, Mike; Taaffe, Sue; Ching, Andrew  
**Subject:** Fwd: Comments on Conditions for Approval

FYI - additional input. Can we get back to Lisa?

Sent from my iPhone

Begin forwarded message:

**From:** "[lisa.zyriek@juno.com](mailto:lisa.zyriek@juno.com)" <[lisa.zyriek@juno.com](mailto:lisa.zyriek@juno.com)>  
**Date:** November 5, 2014 at 3:05:01 PM MST  
**To:** <[Elizabeth\\_Higgins@tempe.gov](mailto:Elizabeth_Higgins@tempe.gov)>  
**Subject:** RE: Comments on Conditions for Approval

Hi Elizabeth,

We have been reviewing the information that you sent to me in the e-mail at the bottom of this note. You had said that you would share any feedback you received with the Community Development office so we would like to do that via this e-mail.

We have some concerns that we would like to share with you and Staff and hope that you will consider some verbiage changes to what you originally provided yesterday afternoon.

**CITY OF TEMPE  
HEARING OFFICER**

**Meeting Date: 11/18/2014  
Agenda Item: 6**

**ACTION:** Request approval for two Use Permits to 1) exceed the Parking Maximum (125%) and 2) allow the use of trucks in excess of five (5) ton capacity before 6:00 a.m. or after 10:00 p.m. for DISCOVERY BUSINESS CAMPUS – DEVELOPMENT SITE 6, located at 7195 South Shutterfly Way. The applicant is Manjula Vaz, Gammage & Burnham.

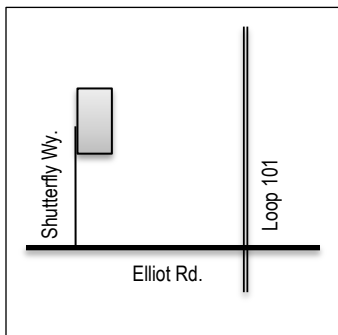
**FISCAL IMPACT:** N/A

**RECOMMENDATION:** Staff – approval, subject to conditions

**BACKGROUND INFORMATION:** DISCOVERY BUSINESS CAMPUS – DEVELOPMENT – SITE 6 (PL140127) is a proposed 328,000 square foot office, manufacturing, and warehouse building within the Discovery Business Campus Planned Area Development. Site 6 received Development Plan Review approval in 2011 and approval of an amended minor DPR in 2014. The building will house Shutterfly, a manufacturer of photo-related products. These cases were scheduled for the November 5, 2014 Hearing Officer hearing and were continued at the applicant’s request to permit additional time for discussion with neighbors and to allow adequate time for the Hearing Officer to review neighborhood input. The request includes the following:

**ZUP14118** Use Permit to exceed the parking maximum (125%).

**ZUP14119** Use Permit to allow the use of trucks in excess of five (5) ton capacity before 6:00 a.m. and after 10:00 p.m.



Property Owner	Tempe Campus Lot 2 LLC
Applicant	Manjula M. Vaz, Gammage & Burnham P.L.C.
Zoning District	GID PAD GIOD(General Industrial District, Planned Area Development Overlay, General Industrial District Overlay)
Lot Size	16.54 acres
Building Size	328,000 sq. ft. (at full build-out)
Building Height	33 ft. (35 ft. max allowed)
Building Setbacks	30' west, 22' east, 121' north, 541' south (25', 0', 0', 0' required)
Lot Coverage	40% (100% max allowed)
Landscape Area	23% (15% min. required)
Parking Lot Landscape	31% (22% min. required)
Parking Required/Provided	416 (Phase 1) & 491 (Phases 1 + 2) / 806 (at full build-out)
Bike Parking Required/Provided	35/33
Hours of Operation	24 hours/day (September through December only)

**ATTACHMENTS:** Development Project File

**STAFF CONTACT(S):** Karen Stovall, Senior Planner (480) 350-8432

Department Director: Dave Nakagawara, Community Development Director

Legal review by: N/A

Prepared by: Karen Stovall, Senior Planner

Reviewed by: Steve Abrahamson, Planning & Zoning Coordinator

## COMMENTS

The property is located on the east side of Shutterfly Way (previously County Club Way), north of Elliot Road. The lot is part of the Discovery Business Campus Planned Area Development, which extends from the Western Canal on the north to Elliot Road on the south and Shutterfly Way on the west to the Loop 101 Freeway on the east. To the north of the property, across the Western Canal, is the Camelot Village 5 single-family subdivision. To the south is surface parking. To the west is the Oasis Anozira single-family subdivision, and to the east is another office/industrial building within the campus.

Shutterfly is planned to be constructed in two phases. The first phase will include a 237,000 square-foot office, manufacturing, and warehouse building and a 706 space surface parking lot. Phase two is intended for future expansion on the north end of the phase one building for an additional 91,000 square feet of building area and an additional 100 parking spaces adjacent to the phase one parking lot. A condition of approval would permit the construction of the additional 100 parking spaces only with the building construction of phase two.

The ZDC requires both a minimum percentage of on-site landscape area and a minimum area of surface parking lots to be landscaped. When a use permit is granted to exceed the parking maximum, projects must provide either landscaping that totals a minimum of 12% of the surface area of all surface parking lots or an overall shade canopy above surface parking areas that is not less than 22% of the parking area, as demonstrated by a shadow study. The applicant has provided a shadow study that demonstrates an overall shade canopy of 31% of the parking area based the combination of parking canopies and the expected size of trees within five years of planting.

Although Shutterfly Way ends at the cul-de-sac, the right-of-way continues north as a pedestrian path providing access across the Western Canal. An existing six-foot wall is located on the right-of-way centerline, separating the Anozira subdivision from the business campus. The applicant will increase the height of this wall to eight feet. On the east side of the wall, within the right-of-way and on private property, the applicant will provide two staggered rows of trees spaced 30' on-center. The building is setback 30' from the west property line and is designed with a truck court and loading bays on the east side, allowing the building to serve as an additional buffer for the subdivision to the west.

The building in phase one is setback over 317' from the north property line and 121' in phase two. An existing masonry wall on the north side of the site will remain in place, and an approximate 20' landscape buffer will be provided on the south side of the wall. The phase two building extends east of phase one and borders the north end of the truck court; this design provides an additional buffer between the loading area and the single-family subdivision to the north.

## PUBLIC INPUT

Prior to completion of the staff report for the November 5, 2014 hearing, two e-mails of opposition were received by staff. One in opposition to overnight delivery trucks stated that they would be disruptive. The second in opposition to both requests stated that the use permit to exceed the parking space maximum will result in: an increase of vehicular traffic due to the southern-most driveway entrance closest to the parking lot expansion; an increase in noise, pollution, and heat absorption; and a reduction of the width of the existing landscape buffer along the west property line. The letter expressed opposition to the request for overnight deliveries, citing noise, pollution, a resulting deterioration of the neighborhood, and a concern that trucks would access the site via Shutterfly Way.

Following the completion of the November 5, 2014 staff report, staff received 13 additional letters of opposition and two petitions (both opposing the use of overnight delivery trucks) signed by a total of 98 residents of the Camelot Village 5 and Oasis Anozira subdivisions. These letters expressed opposition to the use of overnight delivery trucks and suggested conditions of approval if the Use Permit were to be approved. All letters and petitions are included as attachments 18-56.

Following the November 5, 2014 continuance, staff met with eight individuals from the Camelot Village 5 subdivision and one individual from the Oasis Anozira subdivision. Attendees voiced the following concerns/requests:

- The houses to the north are 240' to 270' away from the north property line of Shutterfly.
- The master bedrooms within the houses are on the second floor and on the south side of the houses.
- The loading bays were not shown on the original plan approved for this site within the Discovery Business Campus.

- There is concern with the sound of trucks backing up.
- They do not support the Use Permit for the use of overnight delivery trucks, but if it is approved, they do not want the trucks using the north side of the loop road, and the developer should provide an internal turn around for delivery trucks so that they do not have to back up and use backup beepers.
- Sections of the existing wall near the north property line have been removed; they were told it was to allow fire truck access. This is allowing more noise to travel north across the canal.

## USE PERMITS

The proposed use requires Use Permits to:

1. Exceed the Parking Maximum (125%): the 328,000 square-foot building requires 491 parking spaces. The ZDC permits a maximum of 125% of the required parking spaces or 614 spaces. The proposed plan includes a total of 806 surface parking spaces at full build-out.
2. Allow the use of trucks in excess of five (5) ton capacity before 6:00 a.m. or after 10:00 p.m. within the GID zoning district and GIOD overlay. The applicant requests that up to eight delivery trucks per day be permitted to access the site via Elliot Road and the campus's internal loop road during the months of September through December.

Section 6-308 E Approval criteria for Use Permit (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic.*  
The proposed use will result in an increase in traffic; however, the applicant has provided a traffic impact analysis showing that the intersections located near Site 6 will continue to operate with an overall passing level of service. The existing roadways and on-site circulation can support the increased traffic generated by the proposed use.
2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.*  
The additional parking spaces should not create a nuisance from the emission of odor, dust, gas, noise, vibration, smoke heat, or glare at a level exceeding that of ambient conditions. While parking spaces in excess of those required by the ZDC will create an increase of paved surface area, and therefore an increase of heat absorption, the proposed plan exceeds the ZDC requirement for shade canopy within the parking lot.

Access to the site can be achieved via the internal loop road or Shutterfly Way, but there is no vehicular access from Shutterfly Way to the Anozira subdivision to the west. The truck court is located on the east side of the building, and delivery trucks will be directed to access the site via the internal loop road. The location of the loading bays on the east side of the building, in addition to the landscaping, screen walls, and significant building setbacks, should prevent the business operations from creating a nuisance to the neighboring subdivisions. A stipulation requires a 16-foot high masonry wall along the north side of the truck court until such time the building for phase two is constructed.

3. *Contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not in conflict with the goals objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan.*  
The uses should not contribute to the deterioration of the neighborhood or to the downgrading of property values. The provision of parking spaces in excess of the ZDC requirement should ensure adequate parking for the campus and prevent spillover parking onto side streets. The use of trucks in excess of five ton capacity between the hours of 10 pm and 6 am will only occur during the company's peak production season, September through December, and will be limited to eight trucks per day. As trucks will be directed to access the site via Elliot Road and the loop road, disturbance of the surrounding residential developments should be minimized.
4. *Compatibility with existing surrounding structures and uses.*  
The development of Site 6 as proposed is in general compliance with the overall master plan for the Discovery Business Campus. The proposed site design and buffers should create compatibility between the business and



adjacent residential uses.

5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.* .

The surface parking spaces are not expected to have issues related to disruptive behavior, and the applicant has stated their commitment to being a good neighbor. Stipulations will address the maximum number of trucks and the route used to access the truck court.

The manner of conduct and the building for the proposed use will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and the use will be in full conformity to any conditions, requirement or standards prescribed therefore by this code.

## **Conclusion**

Based on the information provided by the applicant, the public input received and the above analysis, staff recommends approval of the requested Use Permits. These requests meet the required criteria and will conform to the conditions.

**SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.**

### **ZUP14118**

#### **CONDITIONS OF APPROVAL:**

1. This Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed, and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
2. Any intensification or expansion of use shall require a new Use Permit.
3. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.
4. Permits for the construction of parking spaces identified on the site plan as "Parking Expansion 100 spaces" may not be issued until after the first building permit is issued for the future building expansion.
5. The site plan shall be modified to provide a minimum 35 bicycle parking spaces, as required by the Zoning and Development Code.

### **ZUP14119**

#### **CONDITIONS OF APPROVAL:**

1. This Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed, and a Final Inspection has been passed.
2. Any intensification or expansion of use shall require a new Use Permit. Public notice for an application to intensify or expand the use shall, in addition to the public notices required by the Zoning and Development Code, include a notice to all property owners who signed petitions or submitted written correspondence to the city, where addresses were provided and are legible.
3. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney's office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.

4. The use of trucks in excess of five (5) ton capacity before 6:00 a.m. and after 10:00 p.m. shall only occur from the months of September to December and shall be limited to eight truck trips per day.
5. Prior to commencement of the use, the developer shall install a 16-foot high masonry wall on the north side of the truck court. The location of this wall is noted as site plan key note 32. This wall shall be maintained until such time a building is constructed in phase two that will serve as a buffer in place of the wall.
6. All trucks accessing the truck court before 6:00 a.m. and after 10:00 p.m. shall be directed to do so via Elliot Road and the internal loop road. Shutterfly Way shall not be used for delivery trucks.
7. "No Delivery Access" signs shall be installed along Shutterfly Way. Specific sign language and locations shall be submitted and approved prior to installation and before Certificate of Occupancy.
8. The applicant shall return to the Hearing Officer for review of compliance with the conditions of approval by June 30, 2016.

**CODE/ORDINANCE REQUIREMENTS:**

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

- Use Permit ZUP14119 is valid for Shutterfly and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through [www.tempe.gov/planning/documents.htm](http://www.tempe.gov/planning/documents.htm) or purchase from Development Services.
- All business signs shall receive a Sign Permit. Contact sign staff at 480-350-8435.
- All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective.

**HISTORY & FACTS:**

September 27, 2011	Development Review Commission recommended approval for the request for DISCOVERY BUSINESS CAMPUS consisting of a Planned Area Development Overlay, Use Permits for Hotel and General Retail/Restaurant uses, and a Development Plan Review for this request.
October 20, 2011	City Council introduction and first public hearing for this request.
November 3, 2011	Original scheduled second hearing, continued by City Council to the November 17 <sup>th</sup> public hearing.
November 17, 2011	City Council approved DISCOVERY BUSINESS CAMPUS (PL110130) consisting of one (1) two-story office/industrial building, one (1) four-story office building, one (1) five-story office building, one (1) six-story office building, one (1) eight-story office building, two (2) six-story hotels with a combined total of 400 guest rooms, three (3) one-story restaurant/retail shop pads, one (1) three level parking structure, and eleven (11) existing industrial buildings with approximately 1,000,000 square feet of building area. The proposal has a total gross floor building area of approximately 2,580,000 square feet. The site is 135.62 net acres in size and is located at 2100 East Elliot

Road, in the GID, General Industrial District and within the General Industrial Overlay District. The request includes the following:

PAD11007 (ORDINANCE NO. 2011.47) – Planned Area Development Overlay modifying the general development standards for an increase in the maximum allowed building heights from 35 feet for Site #1 to 80 feet, for Site #2 to 80 feet, for Site #3 to 132 feet, and for Site #4 to 92 feet.

ZUP11063 – Use Permit request to allow hotel uses on Site #1 and Site #2.

ZUP11064 – Use Permit request to allow general retail/restaurant uses on Site #5.

DPR11122 – Development Plan Review including site plan, building elevations and landscape for Sites #3, #4, and #6.

- April 9, 2013                      Development Review Commission approved a site plan, landscape plan, and building elevations for Site 5, Parcel 1 (DPR12229) consisting of an approximate 9,000 square foot, single-story multi-tenant commercial building.
- May 5, 2014                        Community Development Department, Planning Division approved a Minor Development Plan Review, including site plan, building elevations, and landscape plan for Shutterfly.
- July 22, 2014                      Development Review Commission approved a Use Permit (ZUP14049) to allow a drive-through for a restaurant use and a Development Plan Review (DPR14099) for a site plan, landscape plan, and building elevations for Site 5, Parcel 3, consisting of a 3,810 square foot restaurant with drive-through and 1,512 square foot detached storage building.
- August 19, 2014                    Hearing Officer approved a Use Permit (ZUP14089) to exceed the parking maximum (125%) for Site 4.
- November 5, 2014                    Hearing Officer continued these Use Permit requests (ZUP14118 & ZUP14119) for Site 6 to the November 18, 2014 hearing to allow adequate time to consider recently received neighborhood input and to provide the applicant additional time to respond to neighborhood concerns.

**ZONING AND  
DEVELOPMENT**

**CODE REFERENCE:**

Section 4-603 Maximum Parking Spaces

Section 4-704 Parking Facility Landscape Standards

Section 5-304 General Industrial District Overlay – Uses Requiring a Use Permit

Section 6-308 Use Permit

**MINUTES  
HEARING OFFICER  
November 18, 2014**

**Minutes of the regular public hearing of the Hearing Officer, of the City of Tempe, which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona.**

**Present:**

Vanessa MacDonald, Hearing Officer  
Steve Abrahamson, Planning & Zoning Coordinator  
Karen Stovall, Senior Planner  
Sherri Lesser, Senior Planner  
Diana Kaminski, Senior Planner  
Steve Nagy, Administrative Assistant II

**Number of Interested Citizens Present: 30**

**Meeting convened at 1:35 PM and was called to order by Ms. MacDonald. She noted that anyone wishing to appeal a decision made by the Hearing Officer would need to file a written appeal to that decision within fourteen (14) days, by December 2, 2014 at 3:00 PM, to the Community Development Department.**

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1. Ms. MacDonald noted that the Hearing Officer Minutes for November 5, 2014 had been reviewed and approved.

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2. Request approval for a Use Permit to allow an off-site sales trailer and construction staging for **CLARENDON TOWNHOMES (PL130215)**, located at 430 West 6<sup>th</sup> Street. The applicant is Irene Catsibris Clary, Symi Developments LLC.

Diana Kaminski presented the case by reviewing the location and background of the case.

Ms. MacDonald invited the applicant up, who agreed with the conditions listed in the report.

Ms. MacDonald noted that this request meets the criteria for a Use Permit Standard:

- Any significant increase in vehicular or pedestrian traffic.
- Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.
- Contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not in conflict with the goals, objectives, or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan.
- Compatibility with existing surrounding structures and uses.
- Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.

**DECISION:**

Ms. MacDonald approved PL130215/ZUP14132 subject to the assigned Conditions of Approval:

1. This Use Permit is valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed.
2. The Use Permit is valid for two years, the sales trailer and all associated site work shall be removed by November 18, 2016.
3. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.
4. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney's office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.
5. Any intensification or expansion of use shall require a new Use Permit.
6. Hours of operation of the sales trailer shall be no earlier than 7am and no later than 7pm on a daily basis.
7. Provide 5 foot candles of light with full cut-off fixtures at all gates and doors, using photocells for dusk to dawn illumination of the buildings.

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3. Request approval for a Use Permit to allow automotive internet sales for **FOUR SEASONS MOTOR COMPANY (PL140366)**, located at 655 West Elliot Road. The applicant is Larry Spain, Four Seasons Motor Company.

Diana Kaminski presented the case by reviewing the location, reason for request, and then recommended approval.

Ms. MacDonald had no questions of staff and called up the applicant.

Larry Spain, Scottsdale, approached the podium and agreed with all of the conditions of approval.

Ms. MacDonald noted that this request meets the criteria for a Use Permit Standard:

- Any significant increase in vehicular or pedestrian traffic.
- Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.
- Contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not in conflict with the goals, objectives, or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan.
- Compatibility with existing surrounding structures and uses.
- Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.

**DECISION:**

Ms. MacDonald approved PL140366/ZUP14129 subject to the assigned Conditions of Approval:

1. This Use Permit is valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed.

2. The Use Permit is valid for the plans as submitted within this application, for a 20,000 square foot suite.
3. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney's office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.
4. No outdoor display of vehicles for sale is permitted.

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4. Request approval for a Use Permit to allow parking in the front yard setback for **SAIKIA-HAINES RESIDENCE (PL140377)**, located at 3517 South Cutler Drive. The applicant is Yasmin Saikia.

Sherri Lesser presented the case by reviewing the request. Ms. Lesser also clarified the applicant's name.

With no questions of staff, Ms. MacDonald called up the applicant.

Yasmin Saikia, clarified her husband's last name was Haines, and noted that she agreed with the conditions of approval.

Ms. MacDonald then opened the hearing to public input.

1. Gail Hinesley, Tempe, clarified that there would be no parking of cars in the applicant's front yard.

With no one else from the public wishing to speak on the case, Ms. MacDonald closed the hearing to public comment.

Ms. MacDonald noted that this request meets the criteria for a Use Permit Standard:

- Any significant increase in vehicular or pedestrian traffic.
- Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.
- Contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not in conflict with the goals, objectives, or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan.
- Compatibility with existing surrounding structures and uses.
- Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.

**DECISION:**

Ms. MacDonald approved PL140377/ZUP14130 subject to the assigned Conditions of Approval:

1. All parking on the site shall take place on paved driveway surface only.
2. Any on street parking of vehicles for residents or guests to comply with limitations of City Code Chapter 19- Motor Vehicles and Traffic.
3. All vehicles parked on the premises must be actively registered and in operable condition at all times.
4. Landscaping in yard shall be continuously maintained with any dead landscaping removed and replaced immediately.



5. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing set to re-evaluate the appropriateness of the use permit. *In the event that the use permit is revoked per the process outlined in the Zoning and Development Code; the required parking shall be provided behind the front yard setback with the potential to convert livable space back to a carport or garage.*
6. Obtain all necessary building clearances for the enclosure.

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5. Request approval for a Use Permit Standard to reduce the side yard setback from 8 feet to 7 feet to allow a new garage for the **RACHOR RESIDENCE (PL140380)**, located at 7712 South Oak Street. The applicant is David Rachor.

Sherri Lesser presented the case by reviewing the request and how need for Use Permit was determined. Ms. Lesser received no public input and recommended approval.

Ms. MacDonald then called up the applicant.

Donald Rachor, Tempe, confirmed that he had reviewed, and agreed with all of the stipulations. He also mentioned that he was initially unclear on whether or not his project required a Use Permit, and thinks clarification in this regard would be nice to see.

Ms. MacDonald noted that this request meets the criteria for a Use Permit Standard:

- Any significant increase in vehicular or pedestrian traffic.
- Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.
- Contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not in conflict with the goals, objectives, or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan.
- Compatibility with existing surrounding structures and uses.
- Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.

**DECISION:**

Ms. MacDonald approved PL140380/ZUP14126 subject to the assigned Conditions of Approval:

1. This Use Permit is valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.
3. The materials and colors of the garage shall match or be compatible with the existing structure.

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6. Request approval for two Use Permits to 1) exceed the Parking Maximum (125%) and 2) allow the use of trucks in excess of five (5) ton capacity before 6:00 a.m. or after 10:00 p.m. for **DISCOVERY BUSINESS CAMPUS – DEVELOPMENT SITE 6 (PL140127)**, located at 7195 South Shutterfly Way. The applicant is Manjula Vaz, Gammage & Burnham.

Karen Stovall presented the case reviewing the request, location and zoning. She then went on to review the site plans, and what the applicant had done in order to prevent noise from delivery trucks affecting the surrounding neighborhoods. Ms. Stovall also reviewed the public input she had received, and recommended approval for both Use Permits.

Ms. MacDonald requested that regarding stipulation #8, the case be reviewed in February, 2015, instead of June, 2015, which staff agreed with. With no other questions of staff, Ms. MacDonald invited the applicant up to present.

Rob Lane, Phoenix, presented the case as the applicant. He reviewed the requests, and reviewed the past site uses.

Ms. MacDonald reviewed the orientation of the building on the site and had Mr. Lane confirm where noise mitigation elements were included. Ms. MacDonald also invited up representatives from Shutterfly, who clarified when the most extensive delivery operations would be taking place, which is the 4<sup>th</sup> quarter of the year (Oct-Dec).

Mr. Lane then continued his presentation by explaining the landscaping layout, reviewing the shade study results, for which they exceeded the required amount of shade. Finally, Mr. Lane noted that he agreed with all of the conditions of approval, including the amendment made to condition #8.

Ms. MacDonald reviewed the PAD overlay and DPR approvals, and what exactly those entitlements would allow. With no other questions, she opened the hearing to public comment.

1. Sid Frede, Tempe, expressed opposition, believes Shutterfly logistics can be improved to prevent night time deliveries.
2. Lon Libsack, Tempe, expressed opposition because he feels it is a case of big business taking advantage of citizens.
3. Sherida Sowell, Tempe, expressed opposition because of the disturbance operations will cause to neighbors.
4. Deborah Overton, Tempe, expressed opposition due to harm noise would cause neighbors.
5. Gary Vick, Tempe, expressed opposition and believes delivery noise mitigation efforts could be increased.
6. Art Perez, Tempe, expressed opposition due to delivery noise.
7. Timothy Overton, Tempe, expressed opposition due to delivery noise.
8. Marcy Libsack, Tempe, expressed opposition due to loss of property value that would result.
9. Ray Zimmerman, Tempe, expressed opposition due to noise delivery trucks would cause.
10. Diana White, Tempe, expressed opposition.
11. Claire Pavlus, Tempe, expressed opposition.
12. Lisa Zyriek, Tempe, expressed opposition due to delivery truck noise.

With no one else from the public wishing to speak, Ms. MacDonald closed the hearing to public comment and called the applicant back up.

Mr. Lane responded to the concerns by addressing the 2011 conceptual plan that was created to attract a user for the site. Once a user was found, modification to the site plans are made to accommodate the user's specifications. He acknowledged that he was sympathetic to the concerns of the neighbors, but they were also comparing the current construction noise from Discovery Business Campus to what they would believe that operational noise to be, which he did not think should be compared. Mr. Lane then went on to address the parking lot phasing concerns, signage that would be used to prevent use of truck horns, and control delivery vehicle access, with specific signage and language up to the city. Mr. Lane also noted in response to some comments, that extending landscaping along

areas owned by SRP would not be possible. Finally, Mr. Lane addressed the correspondence they had with the neighborhoods, and changes that have been made to the site in response to those communications.

Ms. MacDonald asked staff for clarification of the notification process, which staff clarified. She then asked to hear from Shutterfly representatives to give an idea of their operations. They clarified that the site will be 80% manufacturing space and the remaining space used for offices. He also stated that he would be willing to be contacted by neighbors directly whenever they feel the noise to be too much.

Ms. MacDonald then asked staff to clarify what residential building heights were limited to, which Ms. Stovall explained was 30 feet. Ms. MacDonald compared this to the 33 foot proposed height of the development, and noted that it would not be a towering monstrosity. She then called for a brief recess at 3:22 p.m. to review her case materials. The Hearing reconvened at 3:27.

Ms. MacDonald thanked all of the residents for taking time out of their day to express thoughts on the case.

**DECISION:**

Ms. MacDonald approved PL140127/ZUP14118/ZUP14119 subject to the assigned Conditions of Approval:

**ZUP14118**

**CONDITIONS OF APPROVAL:**

1. This Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed, and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
2. Any intensification or expansion of use shall require a new Use Permit.
3. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.
4. Permits for the construction of parking spaces identified on the site plan as "Parking Expansion 100 spaces" may not be issued until after the first building permit is issued for the future building expansion.
5. The site plan shall be modified to provide a minimum 35 bicycle parking spaces, as required by the Zoning and Development Code.

**ZUP14119**

**CONDITIONS OF APPROVAL:**

1. This Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed, and a Final Inspection has been passed.
2. Any intensification or expansion of use shall require a new Use Permit. Public notice for an application to intensify or expand the use shall, in addition to the public notices required by the Zoning and Development Code, include a notice to all property owners who signed petitions or submitted written correspondence to the city, where addresses were provided and are legible.
3. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney's office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.

4. The use of trucks in excess of five (5) ton capacity before 6:00 a.m. and after 10:00 p.m. shall only occur from the months of September to December and shall be limited to eight truck trips per day.
5. Prior to commencement of the use, the developer shall install a 16-foot high masonry wall on the north side of the truck court. The location of this wall is noted as site plan key note 32. This wall shall be maintained until such time a building is constructed in phase two that will serve as a buffer in place of the wall.
8. All trucks accessing the truck court before 6:00 a.m. and after 10:00 p.m. shall be directed to do so via Elliot Road and the internal loop road. Shutterfly Way shall not be used for delivery trucks.
9. "No Delivery Access" signs shall be installed along Shutterfly Way. Specific sign language and locations shall be submitted and approved prior to installation and before Certificate of Occupancy.
10. The applicant shall return to the Hearing Officer for review of compliance with the conditions of approval ~~by June 30~~ during the month of February, 2016.

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The next Hearing Officer public hearing will be held on December 2, 2014.

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There being no further business the public hearing adjourned at 3:36 PM.

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Prepared by: Steve Nagy, Administrative Assistant II  
Reviewed by:



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Steve Abrahamson, Planning & Zoning Coordinator  
for Vanessa MacDonald, Hearing Officer

SA:SN

## LETTER OF APPEAL

This Letter of Appeal, although signed by just one person, is submitted as the will of the Tempe residents as documented in the signed petitions already submitted to stop the use permit granting Shutterfly the approval to use trucks over 5 tons before 6 am and after 10 pm. Use permit ZUP14119.

Use permit ZUP14119 was approved on November 18, 2014. We believe this use permit did not follow City of Tempe "Community Development Planning" Letter of Explanation requirements (see attached). Further we believe the Hearing Officer made a mistake in her reasoning when she approved the permit and the required information in the permit submittal was omitted.

The Community Development Planning Letter of Explanation states the requestor among other items, must include justification that shows the proposed use permit will: ...b. not cause any nuisance (...noise...) exceeding that of ambient conditions, and c. not contribute to the deterioration of the neighborhood or be in conflict with the goals, objectives and polices of the City, and d. be compatible with existing surrounding structures, and e. not result in any disruptive behavior which may create a nuisance to the surrounding area or general public.

The application did not have the required information as stated in the Community Development Letter.

The application did not have any factual evidence of the mitigation of the noise. Nothing was submitted to prove their 16 ft wall would block the noise from the residents to the north. This was to shield us from the unreasonable noise create from the trucks arriving after 10 pm and before 6 am. The Hearing Officer sited this wall as an example of noise reduction, but there were no facts that verify this wall will affect the second story of the residents to the north.

We provided an audio example of the sound that a back up alarm would make and how that sound was a nuisance to the residents. The Hearing Officer dismissed this demonstration as noise from a construction site vs noise from a working facility. The back up noise came from a back up alarm, one such as truck would use, at a location that would be similar to the project. We compared apples to apples. The applicant provided no evidence of sound mitigation. In fact the Hearing Officer was visually annoyed at the back up alarm sound as it was sounding during part of my presentation. This noise will be heard by those residents of the north side of the development every time a truck backs up.

The applicant did not provide required information that the increase in noise was not in conflict with the City's new Character Areas goals of noise reduction. The fact the applicant had to apply for this special permit is proof that there will be an increase in noise and it also verifies that this request is not in line with the goals of the Character Areas objectives.

The Hearing Officer stated the area for the loading dock was in a industrial area and we were lucky this is all that was being developed. Our feeling is that no matter what was was developed, a special use permit would be required, as the noise created was out of the ordinary and against city policy. It is this process that should prohibit the noise.

It is the use permit approval which allows for the noise to be created in contrary to section e of the Community Development Planning Letter of Explanation. This noise will be a nuisance to the general public.

The applicant did state that a 8 ft wall would be built between the property and the residents to the west, but that wall is for the west side of the development. The north wall, has 8ft gaps and very little landscaping. In essence there is no solid barrier.

The Hearing Officer stated the development was compatible with the surrounding area citing the ASU Research Development to the south and the freeway to the east. However this development is not compatible to the housing resident to the west and north. The development is not compatible with residents on two major sides and still being labeled as compatible.

We are requesting reversing the Hearing Officers approval.

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**LETTER OF EXPLANATION**

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**USE PERMIT**

The letter must describe the use, or if a business, describe the operation, hours, number of employees, customers, etc. and how it will affect the surrounding area. The letter **must** include justification that shows the proposed use will:

- a. not cause any significant vehicular or pedestrian traffic in adjacent areas, and
- b. not cause any nuisance (odor, dust, gas, noise, vibration, smoke, heat or glare, etc.) exceeding that of ambient conditions, and
- c. not contribute to the deterioration of the neighborhood or be in conflict with the goals, objectives and policies of the City, and
- d. be compatible with existing surrounding structures, and
- e. not result in any disruptive behavior which may create a nuisance to the surrounding area or general public.



**Shutterfly Facility – Discovery Business Campus**

Shutterfly is requesting a use permit to run up to eight trucks five tons and larger, including semi-trucks, for loading and unloading between 10PM and 6AM from September to December.

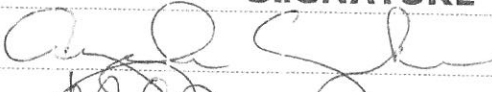
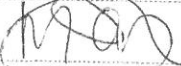
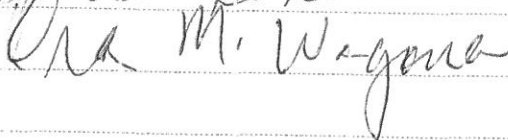
We, the undersigned residents of Tempe, oppose the granting of a use permit for Shutterfly to use their truck dock for loading and unloading trucks of any size between 10PM and 6AM from September to December. We further ask Shutterfly to act as a good neighbor and minimize noise, especially during 10PM and 6AM.

SIGNATURE	ADDRESS	DATE
<i>Jeff Duml</i>	2017 E. Lodge Dr. Tempe 85283	11/9/14
<i>Rick</i>	2023 E Lodge Dr Tempe 85283	11/9/14
<i>Ray Jones</i>	2029 E Lodge Dr Tempe 85283	11/9/14
<i>Anthony</i>	2036 E Lodge Dr. Tempe 85283	11/9/14
<i>Shirley</i>	2018 E. Lodge Dr. Tempe 85283	11/9/14
<i>Shirley Hale</i>	2012 E. Lodge Dr. Tempe 85283	11/9/14
<i>Ben</i>	2006 E. Lodge Dr., Tempe 85283	11/9/14

**Residents against Use Permit ZUP14119  
Discovery Busines Campus  
Truck Use Overnight**

SIGNATURE	ADDRESS	DATE
Timothy + Deborah CARTER	2021 E. DIAMOND DRIVE, Tempe	11/2/14
Albee-	2009 E Diamond Dr. Tempe	11/2/14
Mari Gilsack	2009 E Diamond Dr Tempe	11/2/14
Paige Gilsack	2009 E. Diamond Dr. Tempe	11/2/14
Tammie J.	2009 E. Diamond dr. Tempe	11/2/14
E. Debra	2015 E Diamond dr Tempe	11-2-14
Maureen Fogarty	2015 E. Diamond Dr Tempe	11-2-14
Charm S Kelly	2034 E. Diamond Dr Tempe	11-2-14
VASILE ROMEGA-THOMPSON	6920 S Clark Dr, Tempe, 85283	11-2-14
Sturley Vick	2051 E Diamond Dr. Tempe 85283	11-2-14
Angela	2051 E Diamond Dr. Tempe 85283	11-2-14
Ronald Webster	6923 S Clark, Tempe 85283	11-2-14
Art Piz	2045 E. DIAMOND, TEMPE 85283	11/2/14
Lowe Perren	2045 E. Diamond Dr, Tempe 85283	11/2/14
Matthew Machik	2039 E DIAMOND DR TEMPE 85283	11/2/14
Randy E. Holzak	2033 E. DIAMOND DR TEMPE 85283	11/2/14
Shendi L. Howell	2033 E Diamond Dr Tempe 85283	11/2/14

**Residents against Use Permit ZUP14119  
Discovery Business Campus  
Truck Use Overnight**

SIGNATURE	ADDRESS	DATE
	2028 E. Diamond Dr.	11-2-14
 MARK YOCKUS	2028 E. DIAMOND DR.	11-2-14
Dense Baker	2016 E Diamond	11-2-14
	2027 E. Diamond Dr.	11/2-14



**Residents against Use Permit ZUP14119  
Discovery Busines Campus  
Truck Use Overnight**

SIGNATURE	ADDRESS	DATE
Rulo Nulson	1938 E. Diamond Dr. <sup>TEMPE</sup> 85283	11-9-14
Tom Burr	1938 E. DIAMOND DR <sup>TEMPE</sup> AZ	11-9-14
David Kyr	1939 E DIAMOND DR <sup>TEMPE</sup> AZ	11-9-14
Lisa Stewart	1943 E Diamond Drive Dr <sup>TEMPE</sup> AZ 85283	11/9/14
Rosa Kelmayer	1947 E DIAMOND <sup>TEMPE</sup> 85283	11/9/14
Paula J. Kelmayer	6911 S. Martin <sup>Tempe, AZ</sup> 85283	11/9/14
Mona Krip	6911 S. Martin <sup>Tempe, AZ</sup> 85283	11/9/14
Robert O'Keefe	1919 E Redfield <sup>Tempe, AZ</sup> 85283	11/9/14
Brenda Stewart	1919 E Redfield <sup>Tempe, AZ</sup> 85283	11/9/14
Wanda Hakeman	1947 E Diamond <sup>Tempe, AZ</sup> 85283	11/9/14
Clare Hakeman	1920 E Bendix Dr. <sup>Tempe, AZ</sup> 85283	11/9/14
Nels	1920 E Bendix <sup>Tempe</sup> 85283	11/11/14
	6910 S. Los Feliz Dr. <sup>Tempe</sup> 85283	11/9/14

Residents against Use Permit ZUP14119  
Discovery Business Campus  
Truck Use Overnight

SIGNATURE	ADDRESS	DATE
Liana K. Beets	1927 E. Diamond Dr.	11-8-14
Charles T. Beets	1927 E. Diamond Dr.	11-8-14
James D. Brown	1962 E. Carmen St.	11-8-14
MAGGIE JINERY	1919 E DIAMOND DR <sup>Tempe AZ</sup> 85283	11-8-14
Jim Clement	1911 E Diamond Dr.	11-8-14
Jim Clement	1911 E. Diamond Dr.	11-8-14
Tom Ma	1903 E. Diamond Dr	11/8/14
Richard	6122 S. Lestelze Dr	11/3/14
Jason Ford	1915 E. Diamond DR	11/8/14
Frank Sommer	1922 E DIAMOND DR	11-11-14
John C. S. Kim	1927 E Diamond Dr	11/8/14
John C. S. Kim	1909 E. Redman Dr. <sup>Tempe AZ</sup>	11-8-14
John C. S. Kim	1962 E. Carmen ST <sup>TEMPE AZ</sup>	11/8/14
Thomas L. Shuff	1962 E. CARMEN ST <sup>TEMPE AZ</sup>	11/8/14
Robert Hamilton	1930 E. Diamond Dr.	11/9/14
Debra Hamilton	1930 E. Diamond Dr.	11/9/14



Residents against Use Permit ZUP14119  
 Discovery Business Campus  
 Truck Use Overnight

SIGNATURE	ADDRESS	DATE
Neil Zinn	6911 S. Clark Drive	11/8/14
Tommy Lee	6905 S. Clark Drive	11/8/14
James [unclear]	2642 E Redfield Rd	11/9/14
Dina F. Bolderin	2005 E Redfield Rd	11/9/14
[unclear]	6917 S Clark Dr	11/10/14
Judsey Anderson	6917 S Clark Dr	11/10/14
Diane Matlock	2006 E. Redfield Rd. Temp G	11/10/14
Ferry Matlock	2006 E. REDFIELD RD	11/10/14
Walter W. McElvain	2018 E. Redfield Rd.	11/10/14
Georgia McElvain	2018 E. Redfield Rd	11/10/14
Elizabeth Patterson	2030 E Redfield Rd	11/10/14

Residents against Use Permit ZUP14119  
Discovery Business Campus  
Truck Use Overnight


SIGNATURE	ADDRESS	DATE
<i>[Signature]</i>	6914 S. Clark Dr. Tempe 85283	11/Nov/14
<i>[Signature]</i>	6914 S. Clark Dr. Tempe 85283	11/11/14
<i>[Signature]</i>	69085 Clark Dr. Tempe 85283	11/19/14
<i>[Signature]</i>	6908 S. Clark Dr. Tempe 85283	11/19/14
<i>[Signature]</i>	2023 E. Redfield Rd. Tempe AZ 85283	11/9/14







Residents against Use Permit ZUP14119  
Discovery Business Campus  
Truck Use Overnight

SIGNATURE	ADDRESS	DATE
	2028 E. CARMEN	11/9/2014
Russell S. Barron	2022 E. CARMEN ST.	9 Nov 2014
Almeda - Philip Parks	2021 E. Carmen St. Tampa, Fl	85283



## Stovall, Karen

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**From:** gbmeegan@cox.net  
**Sent:** Sunday, January 04, 2015 8:11 PM  
**To:** Stovall, Karen  
**Subject:** Discovery Business Campus Development Site 6 meeting Jan. 13, 2015

Dear Ms. Stovall, Senior Planner:

We are 20-year residents in The Oasis and will not be available to attend the Hearing on Jan.13, 2015.

However we would like to voice our strong disapproval of having the use of trucks in excess of 5 ton capacity for delivery before 6 am or after 10 pm. Is the delivery time from 10 pm to 6 am scheduled very day or during certain weeks or months? What kind of noise and truck traffic will occur?

Why is this time necessary?

We are very close to the Shutterfly building in the Oasis and believe this time frame will disrupt our neighborhood and the quiet character of the morning hours.

What other changes are anticipated to be put forth for the Development Site that will affect our neighborhood?

We do not believe this fits into the Planning of the neighborhoods in Tempe as promulgated by the City Council.

We would like additional information prior to the Thursday hearing.

Thank you.

Mr. and Mrs. George Meegan  
1981 East Dava Drive, Tempe, Arizona 85283

  
e-mail: [gbmeegan@cox.net](mailto:gbmeegan@cox.net)