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Heather N. Dukes
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October 26, 2020

Members of the Board of Adjustment
c/o George Burton, Staff Liaison
Town of Paradise Valley
6401 East Lincoln Drive
Paradise Valley, Arizona 85253

Re: Supplemental Narrative in Support of Change in Use Request for the Property Addressed as 5205 East Lincoln Drive in Paradise Valley, Arizona; Maricopa County Assessor's Office Parcel Number 169-27-029 (the "Property")

Dear Members of the Board of Adjustment:

On behalf of our client, 5205 Lincoln, LLC and Capstone Properties, LLC, I am pleased to submit this request for approval of a Change in Use pursuant to Zoning Ordinance ("Ordinance") Section 2306 for the Property (Exhibit A). This supplemental narrative supersedes the prior narratives filed with the Town on September 25, 2020 and October 14, 2020.

A. Property Overview. The Property is zoned "(R-43) Single-Family Residential District" (Ordinance Article 5) ("R-43") and is currently developed as a commercial retail center comprised of three (3) buildings. According to research undertaken regarding the Property, it is understood that the two (2) buildings adjacent to Lincoln Drive (Buildings A and C) were originally constructed in 1953. Upon review of historic aerial photographs of the Property and applicable Maricopa County Superior Court records, it appears that the southernmost building on the Property (Building B) was lawfully constructed between 1979 and 1982. Copies of historic aerial photographs demonstrating the development history of the Property are attached hereto as Exhibit B.

Information provided by the Town of Paradise Valley (the "Town") staff (Exhibit C) indicates that, around the time the third building was constructed on the Property, the Property was utilized as a design studio/antiques sales room, a ladies clothing store,[1] and florist shop. The Property was annexed into the Town in 1982 and continued to operate as a design studio, antiques sale room and florist shop. As a result of its annexation, even though the Property is residentially zoned by the Town, the

[1] According to the Applicant's Narrative dated January 4, 2000, Building "C" was leased as a ladies clothing store from 1979 to 1989.

commercial use of the Property that existed at the time of its annexation is considered legally non-conforming under Article 23, Nonconformance, provisions of the Ordinance.

In 2000, the owner of the Property attempted to transition the interior design studio into a design center that "showcased" Paradise Valley homes and products. The Property was later occupied (all three buildings) in 2010/2011 by Paradise Valley New Home Design Center, which displayed different design materials and products associated with remodeling and building a new home (Exhibit F through Exhibit I). Buildings A and C were later occupied by Stevan's Luxury Furniture Consignment.

It is understood that the Property, specifically Buildings A and C, has been consistently utilized over time as a display and sales area for home services, home products, and office space. Specifically, the Town has determined that the historic uses of the Property "would generally fall under a designation of low-intensity service-oriented retail use" (Exhibit D).

Stevan's Luxury Furniture Consignment later vacated Buildings A and C due to a roof collapse of Building C caused by high winds and heavy rainfall, which was reconstructed as allowed under Section 2309. The rear building at the Property, Building B, has been utilized as a design center showroom for BedBrock Developers, a luxury, custom home builder.[2]

A detailed history of the approved uses for the Property is included herewith as Exhibits C through K.

B. Description of Proposed Uses. Our client proposes a Change in Use of the Property pursuant to Ordinance Section 2306 to allow the Property to be utilized by Premier Title Agency and the Karas Group (cumulatively, the "Tenants"). Note that Building B will continue to be occupied by BedBrock Developers as previously approved by the Town.

Building A is proposed to be occupied by the Karas Group, a luxury real estate agency.[3] Building A will serve as a showcase space for the Karas Group in which they will promote luxury properties in Paradise Valley and surrounding areas and will conduct home related services including property research, comparable property values, and marketing analyses.

In addition, Building A will function as a Town of Paradise Valley information and welcoming center. The Karas Group will maintain a small staff to greet visitors and provide information pertaining to the Town, including brochures/guides to local hotels, restaurants, churches, recreation areas and trails, shopping, homes, home services, and area demographics of the Town. Note that there will be no real estate transactions conducted by the Karas Group at the Property.

Building C is proposed to be occupied by Premier Title Agency, specifically its Luxury Division, who will provide services such as property and title research, transaction support services,

[2] https://www.bedbrock.com/
[3] https://www.thekarasgroup.com/

title insurance, underwriting, and will advise clients regarding mortgage, refinance and reverse mortgage needs of lenders.

Premier Title Agency utilizes several online/electronic services and mobile professionals who then meet with clients for signatures and other services that cannot be provided online. Therefore, only a small number of transactions may be conducted at the Property.

C. Change in Use Findings. The Ordinance requires that nine (9) specific factors be considered by the Board of Adjustment for the approval of a Change in Use request. The following analysis justifies approval of this specific request.

1. *"Increased traffic"*

As discussed above, because only a small number of transactions with customers are anticipated to occur at the Property, the Tenants are not expected to generate a significant increase in traffic than what could be generated by low-intensity service-oriented retail uses. Furthermore, the Property has historically generated significantly less traffic during the summer months of June, July, August and September. A copy of a Traffic Generation Statement prepared by CivTech dated October 26, 2020 is attached hereto as Exhibit L.

2. *"Increased parking"*

There are currently twenty-seven (27) parking spaces available at the Property. No changes to the existing parking configuration at the Property are proposed to accommodate the Tenants. The parking demand generated by the proposed uses and the existing Bedbrock Developer tenant totals 15 parking spaces, leaving a surplus of 12 parking spaces A copy of a Parking Statement prepared by CivTech dated October 26, 2020 is attached hereto as Exhibit L.

3. *"More on-site employees"*

According to information provided by the Town and the Property Owner, the number of total on-site employees for other historical uses of the Property ranged from nine (9) to seventeen (17) employees. The previous number of on-site employees demonstrates the variety of intensity of uses that previously existed at the Property.

Altogether, the Tenants will maintain an estimated total of ten (10) to twelve (12) employees—two (2) to four (4) employees for Karas Group, no more than four (4) employees for Premier Title Agency, and 4 employees for BedBrock Developers. Therefore, the number of on-site employees will not be significantly increased from the number of employees that were previously permitted to operate at the Property.

4. *"Change in hours of operation"*

The Tenants will utilize the Property on Monday through Friday from 8:00 a.m. to 5:00 p.m. and on Saturday from 9:00 a.m. to 3:00 p.m. The Property may be utilized by the Tenants on Sunday

for pre-arranged client meetings. The Sunday hours of operations for the pre-arranged client meetings will be limited to 9:00 a.m. to 6:00 p.m., which is consistent with the hours of the PV Design Center. This is generally consistent with the hours of operation information provided by the Town for the historic uses of the Property and would not be disruptive to neighboring property owners.

5. *"Increased noise"*

The Tenants will not generate noise beyond that of current or ambient conditions.

6. *"Greater light"*

No changes to the existing exterior lighting at the Property are proposed at this time.

7. *"Increased dust"*

The Tenants will not generate an increase in dust at the Property.

8. *"Increased building size"*

No changes to the existing site configuration of building square footages are proposed at this time.

9. *"Larger vehicles on site"*

As noted above, the Property was previously utilized as a consignment store and antiques shop, which required the use of larger vehicles for the purposes of furniture drop off and pick-up. Storage containers filled with goods were periodically dropped off and picked up at the Property as well. The Tenants are not expected to receive any large-scale deliveries at the Property. Therefore, approval of this Change of Use request would decrease the number of larger vehicles at the Property.

D. Nonconforming Signs. In addition to the above criteria, note that new signage for the Tenants will be installed in the parapet wall of each building. The size of the sign and the recessed area where the signs will be installed will be consistent with the plans previously reviewed and approved by the Town to date.

Ordinance Section 2311.A states that:

> A Nonconforming Sign shall not be changed, expanded, or altered in any manner which would increase the degree of its nonconformity, or be structurally aesthetically altered, or moved in whole or in part to any other location where it would remain nonconforming. **With respect to a Nonconforming Sign on a property containing a Nonconforming Use, a change in the name of the entity owning or operating the Nonconforming Use shall be permitted so long as all other restrictions within in this Section are met** [*emphasis added*].

Because the proposed signage for the Tenants will not increase the degree of its nonconformity, it is our understanding that the restrictions within Ordinance Section 2311 are met. Therefore, a change in the existing signage at the Property to reflect the new Tenants should be permitted.

E. Conclusion. Due to challenges associated with the COVID-19 pandemic and related economic impacts, our client has been unable to find a tenant for the Property whose primary uses would be considered analogous to the former interior design services, antique shop and furniture sales which typically require more in-person service and contact. Therefore, the property owner is limited in his ability to utilize the Property under its existing non-conforming rights as a commercial use.

As demonstrated above, because the services offered by the Tenants are oriented towards a small, boutique market of luxury home buyers, the use of the Property by the Tenants will not be more intense than previous uses of the Property, which, for example, included typical retail stores (clothing store, flower shop, antique/furniture store) with traditionally higher customer volumes and deliveries.

We respectfully request approval of this change in use application as described in this supplemental narrative. Thank you for your careful consideration of this application.

Respectfully submitted,

Snell & Wilmer

/s/ Heather N. Dukes

Heather N. Dukes

TABLE OF EXHIBITS	
Exhibit A	Site Aerial
Exhibit B	Historic Aerial Photographs of the Property dated: - February – April 1949 - March – May 1953 - February – April 1979 - January – December 1982
Exhibit C	Memorandum from George Burton, Senior Planner, to Jeremy Knapp, Community Development Director, and Paul Michaud, Planning Manager, dated December 18, 2019
Exhibit D	Letter from Paul Michaud, Planning Manager, to Phil McClanahan of Capstone Properties, LLC dated August 12, 2020
Exhibit E	Court Records from Maricopa County Superior Court Case No. C-377031 (dated 1978-1979)
Exhibit F	Memorandum from George Burton to Town of PV Staff dated August 4, 2010 regarding pre-application review for Property.
Exhibit G	Letter from Eva Cutro, Community Development Director, to Richard Brock of Bedbrock Developers dated August 19, 2010 regarding approved Paradise Valley Home Design Center Use with attached applicant narrative approved by staff dated August 13, 2010.
Exhibit H	Letter from Eva Cutro, Community Development Director, to Richard Brock of Bedbrock Developers dated January 19, 2011 regarding approved use of Building B with attached applicant narratives approved by staff dated November 9, 2010, November 29, 2010 and January 4, 2011.
Exhibit I	Letter from Eva Cutro, Community Development Director, to Richard Brock of Bedbrock Developers dated April 7, 2011 regarding approved use of Building A with attached applicant narrative approved by staff dated March 18, 2011.
Exhibit J	Letter from Jill Keimach, Town Manager, to Rich Brock, Kevin Groman and Tom Hatten dated February 7, 2020
Exhibit K	Email from Phil McClanahan to Jill Keimach, Town Manager, and Paul Michaud, Planning Manager, dated July 20, 2020
Exhibit L	Traffic Generation and Parking Statement prepared by CivTech dated October 26, 2020.

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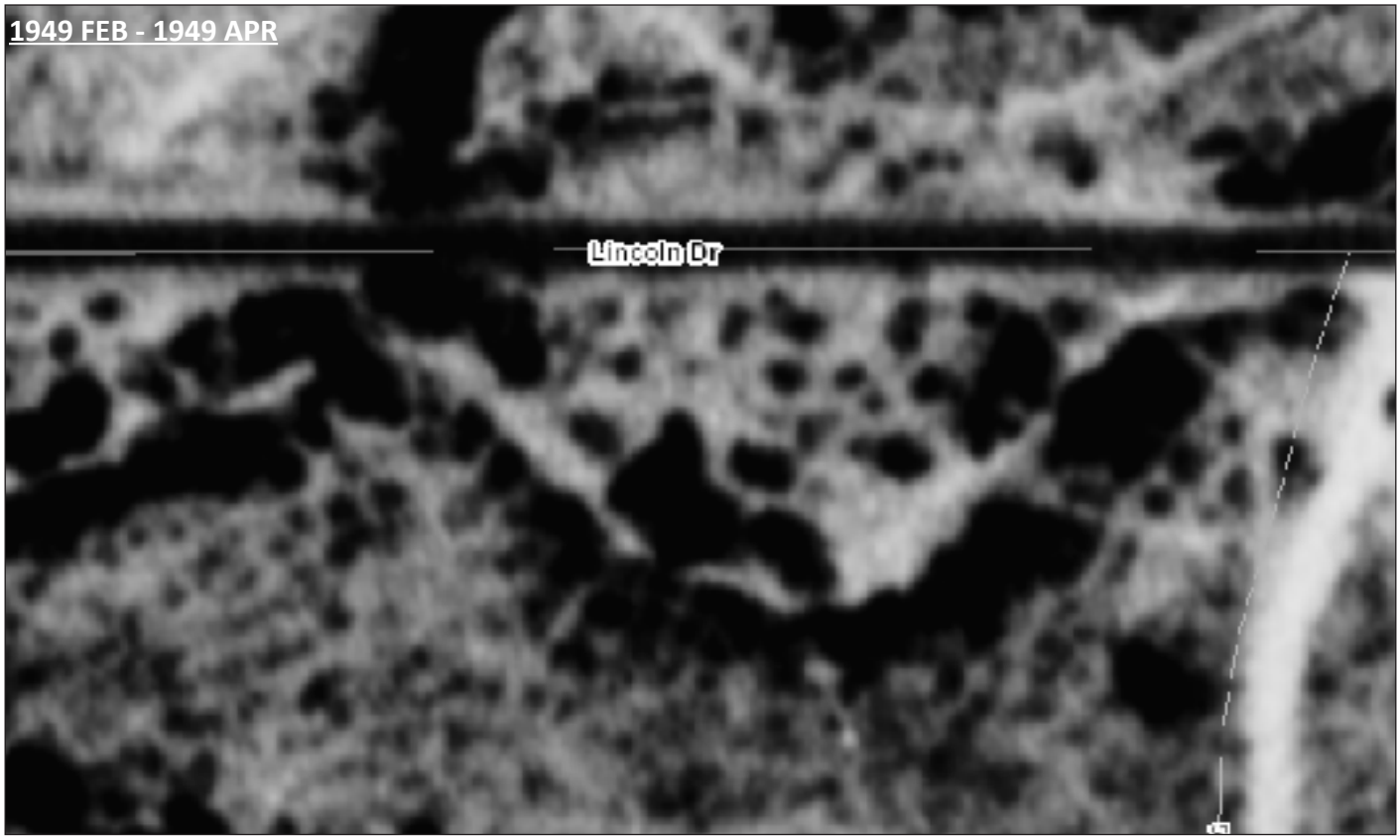
400 E Van Buren Street Phoenix, AZ 85004

N
NOT TO SCALE

SITE AERIAL

EXHIBIT A

09/25/2020



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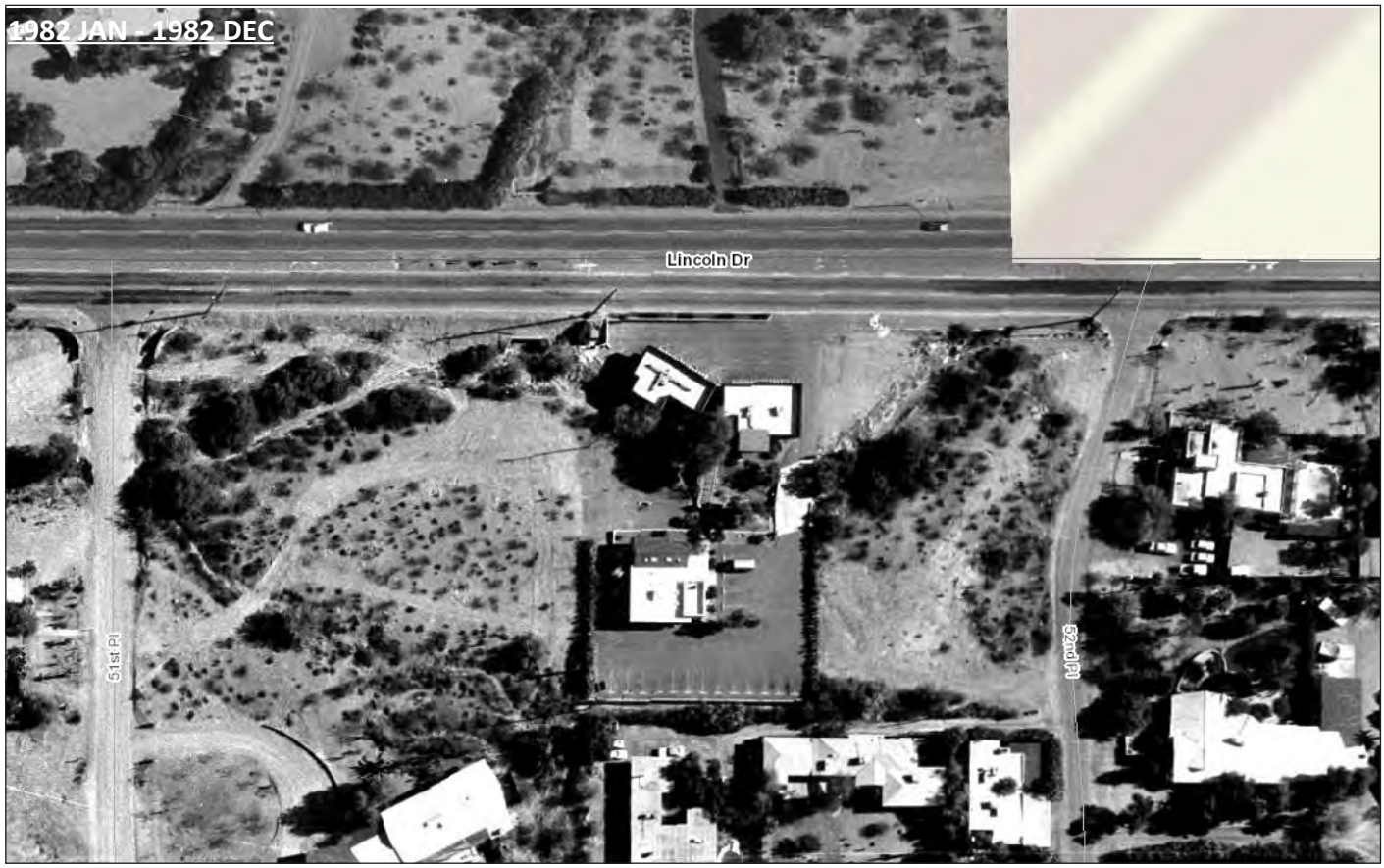
N
NOT TO SCALE

HISTORIC AERIALS OF THE PROPERTY

EXHIBIT B

09/25/2020



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N
NOT TO SCALE

HISTORIC AERIALS OF THE PROPERTY

EXHIBIT B

09/25/2020

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Exhibit C

Zoning Group

Heather Dukes, Esq
Attorney

Noel J. Griemsmann, AICP
Sr. Urban Planner

Cody White
Urban Planner

Taylor N. Moran
Urban Planner

Paola Jaramillo
Assistant Planner

Memorandum

TO: **Jeremy Knapp, Community Development Director**
Paul Michaud, Planning Manager

DATE: **December 18, 2019**

FROM: **George Burton, Senior Planner**

SUBJECT: **5203 East Lincoln Drive**

5203 East Lincoln Drive is a non-conforming retail center on a residentially zoned lot. The property is comprised of three buildings and was originally constructed in the 1950s. Below is a brief outline and history of the property:

History

- John and Kay Morse purchased the property 1978 and created a design studio/antiques sales room and florist shop.
- The property was annexed into the Town in 1982 and continued to operate as a design studio, antiques sale room, and florist shop. Then, the property was purchased by Gregory Hague in 2000. Hague transitioned the interior design studio into a design center that "showcased" Paradise Valley homes. Hague initially applied for a variance for a change of use, however, the variance application was withdrawn, and maintained some version of a design center (not certain of what the specific scope or use that Hague maintained – see May 10, 2000 attachment).
- Phil McClanahan purchased the property in 2010. Paradise Valley Home Design Center (via Rich Brock) occupied all three building. PV Design Center displayed different design materials and products associated with remodeling and building a new home (e.g. counter tops, cabinets, hardscape materials, appliances, etc.). This was deemed to maintain the same legal-nonconforming design studio use.
- Steven's Design occupied the front two buildings (Buildings A and C) in 20XX and was deemed to be compliant with the existing nonconforming design center/studio use.

Uses Noted from 2000 Variance Request

- Ladies Clothing Store in Building C. Hours of 9 am – 5 pm on Monday through Saturday.
- Flower Shop in Building A. 2-4 employees. Hours of 9 am – 5 pm on Monday through Friday and 9 am – 2 pm on Saturday.
- Morse Studio of Interior Design and Antiques in all three buildings. 7-13 employees. Hours of 9 am – 5 pm weekdays with occasional evening and weekends. Average of 10 - 15 groups per day and up to 25 groups in the winter season.
- PV Design Center in all three buildings. Hours of 9 am - 5 pm Monday through Friday and hours of 9 am – 3 pm on Saturday. Occasional use on Sundays via pre-arranged meetings. 3 employees and 27 parking spaces on site.
- Stevens Design center was in the front buildings (Buildings A and C). Hours of XYZ.

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Exhibit D

Zoning Group

Heather Dukes, Esq
Attorney

Noel J. Griemsmann, AICP
Sr. Urban Planner

Cody White
Urban Planner

Taylor N. Moran
Urban Planner

Paola Jaramillo
Assistant Planner

Town of Paradise Valley. 6401 East Lincoln Drive. Paradise Valley, AZ 85253

Transmitted via e-mail to: philmcc@yahoo.com

August 12, 2020

Capstone Properties, L.L.C.
Phil McClanahan
5203 East Lincoln Drive
Paradise Valley, AZ 85253

RE: Existing Non-Conforming Use at 5203 East Lincoln Drive (APN 169-27-029)

Dear Phil:

I appreciate you reaching out to the Town regarding two possible tenants you have proposed for the property located at 5203 East Lincoln Drive (APN 169-27-029, the "Property")). These prospective tenants include Karas Group, an affiliate of locally owned Launch Real Estate in the northwest building and Premier Title Agency in the northeast building.

You state that the Karas Group: 1) "will conduct home research, provide assistance with home services, home related services, provide comparable property values, and marketing analysis and promotion of properties in Paradise Valley and near-by areas;"2) "will maintain a small staff to greet visitors and provide information and brochures to emphasize the value of life and the life style of Paradise Valley;" and 3) "There will be no real estate transactions concluded at this location." Regarding Premier Tittle Agency you have stated that it: 1) "will maintain a staff of no more than 4 employees and will provide services such as Property Research, Title Research, transaction support services, Title insurance, underwriting, and advise clients regarding mortgage, refinance, and reverse mortgage needs of lenders;" and 2) has "a small potential that a very few high end transactions will be conducted on site but will be a rare occurrence as they utilize mobile professionals to meet with clients for signatures, etc. that cannot be accomplished via digital means."

Your inquiry is whether the above two tenants fall within the scope of the nonconforming use allowed for the Property and whether only a Town business license is needed for each business to operate. For the reasons noted below, they do not fall within the scope of the allowed nonconforming use of the Property, thus something more than a business license will be required prior to the Karas Group and Premier Title being permitted to operate on the Property.

As you are aware, this property is zoned single-family residential (R-43), with any non-residential use of this property falling under the nonconforming use regulations contained in Article XXIII of the Town's Zoning Ordinance. Your July 2020 material references that the legal non-conforming use for this property falls under "display and sales area for home services, home

products, and office space." The material also lists past tenants on the property since annexation into the Town in 1982.

The Town Manager and Community Development Director addressed the legal nonconforming use allowed on this property in a letter copied to you dated February 7, 2020. That letter states the property can be utilized in conformance with the underlying zoning (R-43) as a single-family home or continue to operate the historic/current use on the property of interior design services and furniture sales, which the staff has interpreted to include the interior/exterior design services and retail products offered by Bedrock and the design and sales services offered by Stevans Consignment. The historic uses would generally fall under a designation of low-intensity service-oriented retail use.

The proposed Karas Group and Premier Title Agency uses you have described fall outside the historic/current uses of the Property. On a broader level, the two proposed uses are primarily service oriented uses and not primarily low traffic generating on-site product-oriented uses. The description in the material dated July 16, 2020 references operational conditions that you believe will have the proposed new uses being less intense than the current allowed non-confirming use. These points may support that the proposed uses are less intense. Because permitting new uses is beyond the scope of what the staff can permit; therefore, staff encourages you to file an application for a Board of Adjustment determination regarding the intensity of use per Section 2306 of the Town's Zoning Ordinance. Another alternative is to apply for a change to the legal zoning and entitlements through a series of approvals that would include a Major General Plan Amendment, a Zoning Ordinance Text Change, and a Rezoning/Special Use Permit. Another option would be to appeal the Community Development Director's interpretation of the nonconformance provisions to the Board of Adjustment.

Town staff understands that the challenges of owning a nonconforming property are further complicated by a health and economic crisis, but the change of use you have proposed is beyond the staff's authority. Should you choose to move forward to either the Board of Adjustment or pursue a rezoning application, the Planning Division staff will expedite the process to the best of our ability. If you have any questions, or would like to discuss this further, please contact me at (480) 348-3574.

Sincerely,

Paul Michaud
Planning Manager
Town of Paradise Valley
6401 E Lincoln Drive
Paradise Valley, AZ 85253

Attachments

Applicant material dated July 16, 2020
February 7, 2020 Letter
Article XXIII, Nonconformance, Zoning Ordinance

Cc: Jill Keimach, Town Manager
Andrew Miller, Town Attorney

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Exhibit E

Zoning Group

Heather Dukes, Esq
Attorney

Noel J. Griemsmann, AICP
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Cody White
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Taylor N. Moran
Urban Planner

Paola Jaramillo
Assistant Planner

37703/

BURCH, CRACCHIOLO, LEVIE, GUYER & WEYL, P.A.
2333 NORTH CENTRAL AVENUE
PHOENIX, ARIZONA 85004
TELEPHONE (602) 252-7701

1978 OCT 24 PM 3:40

CASE# 370.31
13/2472 496 CDI 30.00
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13/2472 496 14 BL .00

Attorneys for Appellant

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

JOHN DAVID MORSE, Appellant, vs. BOARD OF ADJUSTMENT OF THE COUNTY OF MARICOPA, Appellee.	NO. 37703 COMPLAINT (Unclassified Civil)

Appellant, JOHN MORSE, by and through his attorneys undersigned, for his cause of action against Appellee alleges:

I

At all times pertinent hereto Appellant has been a resident of the County of Maricopa and the owner of real property in Maricopa County. Appellee, BOARD OF ADJUSTMENT OF THE COUNTY OF MARICOPA, is an Administrative Agency of the County of Maricopa, State of Arizona, duly constituted pursuant to Arizona Revised Statutes §11-807 and Article XXVII, Section 2701 of the Amended Zoning Ordinance for the Unincorporated Area of Maricopa County.

II

Pursuant to Section 2704 of the Amended Zoning Ordinance for the Unincorporated Area of Maricopa County, JOHN MORSE applied to Appellee, BOARD OF ADJUSTMENT OF THE COUNTY OF MARICOPA, for an interpretation of Sections 2502 and 2503 of the Zoning Ordinance relating to the Discontinuance and Expansion of Non-conforming Uses, a copy of said request is attached hereto as Exhibit "A" and incorporated by reference herein.

III

Said application was designated BA78-248 by the Maricopa County Planning Department.

IV

Article XXV, Section 2502(2) provides for Discontinuance of Non-conforming Uses which are "destroyed by fire, explosion, act of God or act of the public enemy to the extent of seventy-five (75%) percent of its value."

V

Article XXV, Section 2503 provides for the Expansion of a Non-conforming Use:

> "A non-conforming use of land, building or structure shall not be enlarged, extended, reconstructed or structurally altered unless such enlargement, extension, reconstruction or structural alteration, and further use of such property conform with the regulations of this Ordinance for the zoning district in which such property is located, except that a non-conforming business use may expand if such expansion does not exceed one hundred (100%) percent of the floor area of the original business."

VI

Appellant presented documentary evidence to the BOARD OF ADJUSTMENT which would permit the following findings:

1. That a non-conforming business use within a district may expand not to exceed one hundred (100%) of the area of the original business by constructing one or more new buildings and then removing one or more prior structures from the site.

2. That a lawful non-conforming business use may expand not to exceed one hundred (100%) percent of the area of the original business by constructing one or more new buildings and then removing one or more prior structures from the site.

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3. That a lawful non-conforming use may consist jointly of a parcel, lot or tract of land and the structure located thereon and that a one hundred (100%) percent expansion thereof would relate to both the lot, parcel or tract of land as well as the structures located thereon.

4. That the Arizona legislature has preempted the field of zoning legislation setting forth the guidelines which the County must follow and that A.R.S. §11-830 relating to non-conforming uses is controlling over Section 2503 of the 1969 Amended Zoning Ordinance for the Unincorporated Area of Maricopa County, and therefore, the expansion of a non-conforming use is not limited to the "floor area" of the structure.

VII

On September 27, 1978, the BOARD OF ADJUSTMENT took the following action:

1. That in this specific case, the non-conforming business use may expand not to exceed one hundred (100%) percent of the area of the original business by addition to an existing building or by constructing one or more additional buildings on the site.

2. That a lawful non-conforming business use may not expand to exceed one hundred (100%) percent of the area of the original business by constructing one or more new buildings; removal of one or more prior structures from the site would be prohibited.

3. That a one hundred (100%) percent expansion of the parcel, lot or tract of land and the structures located thereon was limited to the same structures and lot of record that established the non-conforming use.

4. That the BOARD had no jurisdiction to interpret that state law prevails over a Maricopa County Ordinance.

VIII

The action of the BOARD OF ADJUSTMENT was based upon recommendations of the County Attorney. The BOARD failed to consider the Memorandum of Law submitted by Appellant, attached hereto as Exhibit "B" and incorporated by reference herein. The BOARD's interpretations of Section 2502 and Section 2503 of the Zoning Ordinance are contrary to law.

XI

Appellant has no adequate remedy at law having no further administrative appeal, and therefore, this Court has jurisdiction pursuant to A.R.S. 11-807 and Article XXVII, Section 2707 of the 1969 Amended Zoning Ordinance of the Unincorporated Area of Maricopa County.

WHEREFORE, Appellant requests this Court grant him relief against Appellees as follows:

1. The BOARD OF ADJUSTMENT be required to supply the record of the September 27, 1978 Hearing before the BOARD OF ADJUSTMENT.

2. That the BOARD OF ADJUSTMENT's interpretations of Sections 2502(2) and 2503 be revised to conform with the requested interpretation presented by Appellant.

3. For costs of suit incurred herein.

4. For such other and further relief as the Court deems just in the premises.

DATED this 27th day of October, 1978.

BURCH, CRACCHIOLO, LEVIE, GUYER & WEYL

By: [signature]

Frank Haze Burch
2333 North Central Avenue
Phoenix, AZ 85004

7 8 0 1 0 . . .

STATE OF ARIZONA)
) ss
County of Maricopa)

JOHN DAVID MORSE, being first duly sworn upon his oath, deposes and says:

That he is the Appellant in the foregoing cause of action; that he has read the foregoing Complaint and knows the contents therein contained, and that the same is true of his own knowledge, except as to matters stated on information and belief, and as to those matters he believes them to be true.

John David Morse

SUBSCRIBED AND SWORN TO before me this 24th day of October, 1978.

My Commission Expires:
July 26, 1982

78 010325

MEMORANDUM

TO: The Maricopa County Board of Adjustment

DATE: August 31, 1978

RE: Interpretation of Section 2704, Article 27, of the 1969 Amended Zoning Ordinance for the Unincorporated Area of Maricopa County as it Applies to a Non-Conforming Business Use Located at: 5203-5 East Lincoln Drive

ZONING CASE NO. AA-119-67

The above-described non-conforming use is owned by Mr. John Morse, and is presently a commercial business. Mr. Morse is desirous of expanding the business, and has requested an interpretation of the above-referenced Section of the Maricopa County Zoning Ordinance. The following authority is pertinent to that interpretation.

A non-conforming business use may expand to an area not to exceed 100% of the area of the original business, by constructing one or more additional buildings on the site. In Hoffarth v. County of St. Claire, 51 Ill.App.3d, 763; 366 N.E.2d, 365 (1977) a more restrictive ordinance was in effect. In that case the ordinance restricted extensions of non-conforming uses. The property owners requested a relocation of their non-conforming use to a new structure. Notwithstanding the restrictive ordinance the Court held that the relocation should be permitted based upon evidence indicating that the change would not substantially increase traffic or otherwise interfere with the enjoyment and use of adjoining property. The Court in Eitnier v. Kreitz Corp., 404 Pa. 406; 172 A.2d 320 (1961) also allowed the petitioner to continue a non-conforming use in a new building, the reasoning being that a zoning ordinance cannot prohibit natural expansion of a business even though the business constitutes a non-conforming use.

A lawful non-conforming business use may expand not to exceed 100% of the original business by constructing one or more new buildings and removing one or more prior structures from the site. In Gallagher v. Zoning Board Review of the City of Pawtucket, 186 A.2d 325 (R.I. 1962), the applicants

EXHIBIT "A"

were granted permission to demolish the existing buildings, and construct a new building expanding the non-conforming use, not only as to size, but as to use. In E & G Auto Parts v. Borough of St. Marys, 22 Pa. Comm. 171; 348 A.2d 438 (1975), the petitioner removed the non-conforming use structure to allow room for a parking lot in conjunction with a wholly different non-conforming use which adjoined the property.

The non-conforming use applies equally to structures and the land on which they are situated. In E & G Auto Parts the Court granted the applicant the right to not only enlarge his own building, but granted expansion of the use onto the adjoining lot which was the site of a different non-conforming use. In Great Southbay Marine Corp. v. Norton, 58 N.Y.S.2d 172 (1945), a portion of the applicant's property was used as an airport; a second portion had been fenced-off from the airport. In deciding that the fenced-off area should be used in determining petitioner's right to erect a building on that parcel, the Court made an analogy to church land tax exemptions in which the entire property is considered as church property. By comparison, the entire non-conforming use property owned by Mr. Morse should be considered in determining his right to expand 100%.

Section 2503, Article 25 of the 1969 Amended Zoning Ordinance for the Unincorporated Area of Maricopa County uses terms which may not be consistent with Section 11-830B, Arizona Revised Statutes as amended, in that Section 2503 refers to "floor area" of the original business as a basis for determining the extent of allowable expansion while ARS §11-830 refers to "the area of the original business". Based upon the Court's analogy in Gallagher, supra, to church property the intention of the legislators in enacting ARS §11-830 was to permit expansion of 100% of the business area or, in other words, the property upon which the business structure is situated. The Court in Girvan v. County of Lesueur, 305 Minn. 175; 232 N.W.2d 888 (1975), examines the construction of non-conforming use statutes, and allowed the property owners to extend the non-conforming use based upon the fact that the regulations did not specifically exclude or limit the proposed extension. Likewise, in analysis of Section 2503 and ARS §11-830 it must be assumed that ARS §11-830, by not designating"floor area"of the structure intended that a property owner may expand the non-conforming use 100% of his property area. Since this interpretation is in conflict with the clear wording of Section 2503, ARS §11-830 should prevail for the reason that the Arizona Legislature has preempted the field of zoning legislation setting forth the guidelines which the County must follow. Committee for Neighborhood Preservation v. Graham, 14 Az.App. 457; 484 P.2d 226 (1971).

EXHIBIT "A"

In conclusion, it must be noted that those jurisdictions cited herein have, for the most part, a more restrictive attitude toward the expansion and maintenance of non-conforming uses. The Arizona Courts' stance on the matter is that latitude must be allowed in non-conforming use for reasonable expansion. Mueller v.City of Phoenix, 102 Az. 575; 435 P.2d 472. In the present case, reasonable expansion includes (1) right to expand by 100% the area of the original business by construction of one or more additional buildings on the site;(2) expand by 100% the original business by constructing new buildings and removing prior structures from the site;(3) expanding existing buildings;(4) expanding by 100% the land upon which the present non-conforming use is situated.

BURCH, CRACCHIOLO, LEVIE, GUYER & WEYL, P.A.

Frank Haze Burch

FHB:ASF:mrs

EXHIBIT "A"

FhB/AF/hf 12/26/78

377031

BURCH, CRACCHIOLO, LEVIE, GUYER & WEYL, P.A.
2333 NORTH CENTRAL AVENUE
PHOENIX, ARIZONA 85004
TELEPHONE (602) 252-7701

WILSON D. PALMER, CLERK
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Attorneys for Appellant.

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

JOHN DAVID MORSE,	)	
Appellant,	)	NO. C 377031
vs.	)	MEMORANDUM OF FACTS AND LAW
BOARD OF ADJUSTMENT OF THE COUNTY OF MARICOPA,	)	
Appellee.	)	

FACTS

Appellant, JOHN MORSE, is the owner of property located at 5203-05 East Lincoln Drive, Paradise Valley, Arizona, upon which is located a dress shop and an antique shop. The property is zoned Rural 43 and no further expansion is permitted. By letter dated August 25, 1978, Appellant requested an interpretation by the MARICOPA COUNTY BOARD OF ADJUSTMENT pursuant to Section 2704, Article XXVII, of the 1969 Amended Zoning Ordinance for the Unincorporated Area of Maricopa County (Application BA78-248). The zoning case number was AA-119-67 and the requested interpretations were as follows:

1. That the BOARD OF ADJUSTMENT determine whether or not a non-conforming business use may expand not to exceed one hundred (100%) percent of the area of the original business by constructing one or more additional buildings on the site.

2. That a lawful, non-conforming business may expand not to exceed one hundred (100%) percent of the area of the

original business by constructing one or more new buildings and removing one or more prior structures from the site.

3. That a lawful, non-conforming use may consist jointly of a parcel, lot or tract of land and the structures located thereon and that the one hundred (100%) percent expansion would relate both to the lot, parcel or tract of land as well as the structures located thereon.

4. That Section 2503, Article XXV, of the 1969 Amended Zoning Ordinance for the Unincorporated Area of Maricopa County is governed by §11-830B, Arizona Revised Statutes. Section 2503 provides for one hundred (100%) percent expansion of the "floor area" of the original business and Arizona Revised Statutes, §11-830 allows for expansion not to exceed "one hundred (100%) percent of the area of the original business". Thus, the language contained in §11-830 controls and expansion cannot be limited to the "floor area".

The BOARD OF ADJUSTMENT hearing was held September 27, 1978 and the following action was taken:

1. A non-conforming business use may expand not to exceed one hundred (100%) percent of the area of the original business by addition to the existing building or construction of one or more additional buildings.

2. It was found that a lawful, non-conforming business use may expand not to exceed one hundred (100%) percent of the area of the original business by constructing one or more new buildings but no prior structures may be removed in the process.

3. It was found that a one hundred (100%) percent expansion relates both to the lot, parcel or tract of land as well as the structures located thereon, providing they were the same structures and lot that established the non-conforming use.

4. The BOARD denied jurisdiction as to a request for interpretation of the Maricopa County ordiance to make it

consistent with Arizona Revised Statutes.

This action was brought pursuant to A.R.S. §11-807 and Article XXVII, Section 2707 of the 1969 Amended Zoning Ordinance of the Unincorporated Area of Maricopa County on the grounds that the BOARD OF ADJUSTMENT failed to consider Appellant's Memorandum of Law (Attached to Appellant's Complaint as Exhibit "B") and the interpretations were contrary to law.

LAW

A non-conforming business use may expand to an area not to exceed one hundred (100%) percent of the area of the original business by constructing one or more additional buildings on the site. Eitnier v. Kreitz Corporation, 404 Pa. 406; 172 A2d 320 (1961); Hoffarth v. County of St. Claire, 51 Ill.App.3d, 763; 366 N.E.2d, 365 (1977). The reasoning for such decisions being that a zoning ordinance cannot prohibit natural expansion of a business even though the business constitutes a non-conforming use.

The expansion of a non-conforming business use may be accomplished by constructing one or more new buildings and removing one or more prior structures from the site. In Gallagher v. Zoning Board Review of the City of Pawtucket, 186 A.2d 325 (R.I. 1962); E & G Auto Parts v. Borough of St. Marys, 22 Pa. Comm. 171; 348 A.2d 438 (1975). In both cases, petitioners removed the non-conforming use structure and not only constructed a new building expanding the non-conforming use as to size but also as to use. Appellant MORSE intends only to expand by construction of a new building and has no intention of expanding the type of non-conforming use.

The expansion of non-conforming uses is permitted not only on the existing non-conforming site but may be expanded one hundred (100%) percent onto the adjoining lot. E & G Auto Parts,

supra. In Great Southbay Marine Corp. v. Norton, 58 N.Y.S.2d 172 (1945), the Court, in allowing expansion onto an adjoining lot, made an analogy to church land tax exemptions in which the entire property is considered as church property. By comparison, the entire non-conforming use lot owned by Mr. Morse should be considered in determining his right to expand 100%.

Mr. Morse's final request was an interpretation that Maricopa County Ordinance, Section 2503, should conform with Arizona Revised Statute, §11-830B. Section 2503 refers to "floor area" of the original business as a basis for determining the extent of allowable expansion, while ARS §11-830 refers to "the area of the original business". Based upon the Court's analogy in Gallagher, supra, to church property, the intention of the legislators in enacting ARS §11-830B was to permit expansion of one hundred (100%) percent of the business area or, in other words, the tract of land upon which the business structure is situated.

The Court in Girvan v. County of Lesueur, 305 Minn. 175; 232 N.W.2d 888 (1975) examined the construction of non-conforming use statutes and found the property owners should be permitted to extend their non-conforming use based upon the fact that regulations did not specifically exclude or limit the proposed extension. Similarly, in analysis of Section 2503, Maricopa County Ordinance, and ARS §11-830, it must be assumed that ARS §11-830, by not designating "floor area" of the structure, intended that a property owner may expand the non-conforming use 100% of his real property area. Since this interpretation is in conflict with the clear wording of Section 2503, ARS §11-830 should control for the reason that the Arizona Legislature has preempted the field of zoning legislation setting forth the guidelines which the County must follow. Committee for Neighborhood Preservation v. Graham, 14 Ariz. App. 457; 484 P.2d 226 (1971).

Based upon the foregoing authority, Appellant's four requests for interpretation should be approved by this Court and the action of the BOARD OF ADJUSTMENT reversed.

Respectfully submitted this 27th day of December, 1978.

BURCH, CRACCHIOLO, LEVIE, GUYER & WEYL, P.A.

By: [signature]

Frank Haze Burch
2333 North Central Avenue
Phoenix, Arizona 85004

Copies of the foregoing
mailed this 27th day of
December, 1978, to:

The Honorable Frederic Heineman
Judge of the Superior Court
Division 17, 7th Floor
101 West Jefferson Street
Phoenix, Az 85003

Cleon M. Duke
Maricopa County Assistant Attorney
101 West Jefferson Street
Phoenix, Az 85003
Attorney for Defendant

[signature]
Frank Haze Burch

FHB/AF/hf 12/27/78 6

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377031

Attorneys for Appellant.

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

JOHN DAVID MORSE, Appellant, vs. BOARD OF ADJUSTMENT OF THE COUNTY OF MARICOPA, Appellee.	NO. C 377031 JUDGMENT

Appellant, JOHN MORSE, having filed a Complaint appealing a decision of the BOARD OF ADJUSTMENT of the County of Maricopa regarding an interpretation of Sections 2502 and 2503 of the Amended Zoning Ordinance for the Unincorporated Area of Maricopa County, said Complaint having been answered and Memorandums of Law and Fact presented by both parties to the Court and the Court being fully advised in the premises, the Court having found that Appellant's four requested interpretations of said zoning ordinance are in accordance with the provisions of Arizona Revised Statute, §11-830B, and Appellant is, therefore, entitled to judgment.

IT IS ORDERED, ADJUDGED AND DECREED that Judgment be entered granting Appellant's requested relief:

1. That Appellant's non-conforming business use may expand not to exceed one hundred (100%) percent of the area of the original business by addition to an existing building or by construction of one or more additional buildings on the site.

2. That Appellant's non-conforming business use may expand not to exceed one hundred (100%) of the area of the original business by constructing one or more new buildings and removing one or more prior structures from the site.

3. That Appellant's non-conforming use may consist jointly of a parcel, lot or tract of land and the structures located thereon and that a one hundred (100%) percent expansion thereof shall relate to both the lot, parcel or tract of land as well as the structures located thereon.

4. That Arizona Revised Statute, §11-830B, shall be controlling over Section 2503 of the 1969 Amended Zoning Ordinance for the Unincorporated Area of Maricopa County and Appellant's expansion of a non-conforming use is not limited to the "floor area" of the structure.

5. The Court makes no determination as to whether or not Exhibit E in the file presented by the appellees correctly delineates a one hundred (100%) percent expansion of the area of the existing non-conforming use. This is a matter for administrative interpretation by the County.

The Honorable Frederic Heineman
Judge of the Superior Court

APPROVED AS TO FORM:

Philip W. Messinger
Deputy County Attorney

Frank Haze Burch
Attorney for Appellate

CHARLES F. HYDER
MARICOPA COUNTY ATTORNEY
400 SUPERIOR COURT BUILDING
PHOENIX, ARIZONA 85003

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Attorneys for Appellant

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

JOHN DAVID MORSE, Appellant, vs. BOARD OF ADJUSTMENT OF THE COUNTY OF MARICOPA, Appellee.	NO. C-377031 ORDER IN ENFORCEMENT OF JUDGMENT (Assigned to the Honorable Frederic W. Heineman, Visiting Judges Division)

Judgment having been entered in this matter on January 23, 1979, and no appeal having been taken therefrom, Appellant John Morse having made application to Maricopa County for building permits on the subject property and having been denied said permits, Appellant having filed a motion for enforcement of judgment, Appellee having filed a response thereto, an order to show cause having been issued to the Maricopa County Chief Building Inspector, the Director of the Planning and Zoning Department of Maricopa County, and Merwyn L. Davis, Principal Planner of the Maricopa County Planning and Zoning Department, and the matter having been argued to the court by counsel for the parties, and having been duly considered, it is now ordered as follows:

1. That pursuant to the judgment entered herein, Appellant John David Morse is entitled to use the entire tract for business purposes;

...

2. Appellant John David Morse may build two new buildings anywhere upon his tract and then demolish the presently existing buildings;

3. Appellant John David Morse may construct new buildings, not to exceed one-hundred percent (100%) of the floor area of the old buildings without destroying the old buildings or in the alternative,

4. Appellant John David Morse may construct new buildings of not more than one-hundred percent (100%) expansion of existing floor space and then demolish the old buildings;

5. It is ordered that the Maricopa County Chief Building Inspector, the Director of the Planning and Zoning Department of Maricopa County and the Principal Planner of the Maricopa County Planning and Zoning Department shall issue building permits to Appellant John David Morse for construction pursuant to the plans attached hereto, subject to the County's finding that the area of construction so proposed does not exceed one-hundred percent (100%) expansion of existing buildings.

DONE IN OPEN COURT this 10th day of May, 1979.

The Honorable Frederic W. Heineman
Judge of the Superior Court

The foregoing form of Judgment
lodged this 10th day of May, 1979
with the Honorable Frederic W.
Heineman, Superior Court Judge.

Copy ~~mailed~~ delivered to Philip W. Messinger
Deputy County Attorney
400 Superior Court Building
Phoenix, Arizona 85003.

Arda S. Rutherford

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

JOHN DAVID MORSE, Appellant, vs. BOARD OF ADJUSTMENT OF THE COUNTY OF MARICOPA, Appellee.	NO. C 377031 FINDINGS, CONCLUSIONS AND FINAL JUDGMENT

This matter having been duly set down and come on for hearing on the 26th day of June, 1979, and both parties appearing by counsel of record, and evidence having been adduced, the Court finds and concludes as follows:

I.

Sheet 1 of Job No. 7854 entitled: "DOMENIC BERTA ARCHITECT. . .A NEW BUILDING FOR MORSE STUDIO OF INTERIOR DESIGN", which is page 1 of Appellant's Exhibit I in evidence, is a reasonably accurate map of Appellant's property (which may be described as: The West 152 feet of Lot 7, McDonald Acres, part of a "county island" surrounded by the Town of Paradise Valley, Maricopa County, Arizona) and contains the dimensions thereof and of existing and contemplated improvements accurate enough for the purpose of this proceeding;

II.

That the site is presently improved with two buildings located north of the wash as shown on Exhibit I and is used by Appellant as a legally established non-conforming use under the County zoning ordinance and state laws authorizing the same, and to the extent that the County zoning ordinance limiting expansion of the area of non-conforming use is considered to be more restrictive in its terms than the state statute, the latter controls the former; and Appellant proposes to construct

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an additional building about 15 feet in height south of the wash indicated as "new building" on Exhibit I; to be used in addition to his two "existing buildings", as shown thereon, and in connection with demolition of his two "existing buildings" shown thereon, an "additional building" not shown thereon which would be similar to the proposed "new building" and be located directly east of the same, at which time the area used by the "existing buildings" would be converted to parking area;

III.

That Appellant's property is bisected by a major wash as shown on Exhibit I which is an important part of the drainage process for the entire area where Appellant's property is located and is unusable except for such purpose as a practical matter;

IV.

That a duly recorded Easement for Highway Purposes exists on, over, under and across the North 22 feet of Appellant's property and is indicated on Exhibit I as: "EASEMENT"; that said 22 feet is nevertheless presently a part of the area of Appellant's non-conforming use, subject, of course, to appropriation for Highway Purposes at any time under said recorded Easement.

V.

That Appellant should be permitted to expand his non-conforming use by the construction of an additional building as indicated as "New Building" on Exhibit I in addition to continuing to use his two existing buildings, and to construct an additional building south of the said wash the line of the southernmost wall of which additional building is located not further south than the line of the southernmost wall of the said "New Building" as shown, provided that the said two "existing buildings" as shown on Exhibit I are demolished and the area they occupy converted to parking, and the combined floor areas

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of the said "new building" and the said additional building do not exceed two times the combined floor areas of the said two "existing buildings";

VI.

That with or without expansion of Appellant's non-conforming use as far south as the south wall of the proposed "new building", the remaining south portion of Appellant's property is not usable by Appellant for any reasonable purpose; that the portion of Appellant's property between the wash and Lincoln Drive is at or below the level of Lincoln Drive; that Appellant's property rises generally from the south side of the wash to the south property line; that the nature and character of property fronting on Lincoln Drive near Appellant's property has been changing in recent years by the introduction of additional commercial type uses, and the widening of Lincoln Drive itself to four lanes to accomodate what appears to be constantly increasing traffic, and (directly affecting Appellant) changes in the grade of Lincoln Drive, and necessary improvements to the drainage system of which the wash is a part; and expansion of Appellant's non-conforming use to or near the south line of his property in the manner and by the improvements shown on Exhibit I is consistent and in reasonable harmony with, and preserves the general intent and purpose of, the zoning regulations as they have been applied to the area, and gives appropriate consideration to the unusual circumstances attaching to Appellant's property and the unnecessary hardship inflicted by any stricter interpretation; PROVIDED, that in connection with such expansion Appellant constructs and maintains a six foot masonry wall along the south line of the improvements to his property to screen the same from adjoining residential areas to the south and either the same type of wall or suitable plantings in lieu thereof along his east and west lines as needed for the same

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purpose and that the finally improved grade level of his parking area be at or below the average natural grade level of the parking lot; and that the "new building" and the "additional building" be no higher than the 15 foot height above general, natural grade level at their site as suggested on Exhibit I, and that all artificial light sources be so designed and placed as to direct bright light away from adjoining residential losts.

NOW, THEREFOR, IT IS ORDERED, ADJUDGED AND DECREED that promptly upon confirmation by the County Building Code Department of compliance by Appellant's Exhibit I (plus any reasonable and usual additional construction specification data required to be furnished by Appellant) with applicable Building Construction Codes, Building Permits shall issue for the construction of the improvements shown, and the said "additional building", not shown, provided the Appellant agrees to construct the south wall and east and west walls or plantings, and conform to the standards for finished grade and lighting fixtures set forth in paragraph VI above. Appellant is also directed to conform to reasonable County Highway standards for access to Lincoln Drive at the point indicated on his plans and to comply with reasonable requirements of the flood control district in construction of the bridges over the wash as shown on his plans.

DONE IN OPEN COURT this 26th day of June, 1979,

nunc pro tunc as of 19 January 1979

JUDGE OF THE SUPERIOR COURT

. . .

. . .

. . .

CHARLES F. HYDER
MARICOPA COUNTY ATTORNEY
400 SUPERIOR COURT BUILDING
PHOENIX, ARIZONA 85003

Approved as to Form:

Frank Haze Burch
2333 N. Central Avenue
Phoenix, Arizona 85004
Attorney for Appellant

Philip W. Messinger
Deputy County Attorney
101 W. Jefferson
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Attorney for Appellee

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Zoning Group

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Noel J. Griemsmann, AICP
Sr. Urban Planner

Cody White
Urban Planner

Taylor N. Moran
Urban Planner

Paola Jaramillo
Assistant Planner

Exhibit F

Memorandum

TO: **Eva Cutro, Planning & Building Director**
Molly Hood, Senior Planner
Bill Mead, Town Engineer
Andrew Miller, Town Attorney
Robert Lee, Building Safety Manager
Jim Bacon, Town Manager

DATE: **August 4, 2010**

FROM: **George Burton, Planner**

SUBJECT: **Pre-application review for 5203 East Lincoln Drive**

5203 East Lincoln Drive is a non-conforming retail center on a residentially zoned lot. The retail center is comprised of three buildings and was originally constructed in the 1950s. John and Kay Morse purchased the property 1978 and created a design studio/antiques sales room and florist shop.

The property was annexed into the Town in 1982 and continued to operate as a design studio, antiques sale room and florist shop. Then, the property was purchased by Gregory Hague in 2000. Hague transitioned the interior design studio into a design center that "showcased" Paradise Valley homes. Hague initially applied for a variance for a change of use, however, the variance application was withdrawn and the Hague Showcase remained.

Phil McClanahan recently purchased the property and Paradise Valley Home Design Center (PVHDC) intends to operate an interior design center in Building C (which housed the design center and antique shop). The applicant is also proposing to update the Building A and Building C with a white stucco finish and replace the shingle roof with red tile.

The applicant believes the proposed design center and exterior improvement do not create a more intensive use. However, the applicant has submitted pre-application in order for staff to: 1) determine if the proposed design center is compliant with the Nonconformance section of code, or 2) determine if the request must be reviewed by the Board of Adjustment.

Staff requested additional information in order to fully evaluate the request. Attached is a copy of the narrative and the applicant's response to staff's comment letter. Please review the following case material and provide any comments to me no later than Tuesday, August 10, 2010.

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Exhibit G

Zoning Group

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Noel J. Griemsmann, AICP
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Taylor N. Moran
Urban Planner

Paola Jaramillo
Assistant Planner

August 19, 2010

Eva Cutro
Planning & Building Director
Town of Paradise Valley
6401 E. Lincoln Drive
Paradise Valley, AZ 85253

Richard Brock
Bedbrock Developers, LLC
7119 E. Shea Boulevard, Suite 109-685
Scottsdale, AZ 85254

Subject: 5203 E. Lincoln Drive – Paradise Valley Home Design Center (PVHDC)

Dear Mr. Brock:

Staff reviewed the Paradise Valley Home Design Center request to operate a design center, change the copy of three signs, and perform cosmetic improvements to Building A and Building C for the property located at 5203 East Lincoln Drive. Based upon the information submitted, staff determined that PVHDC is a consistent and equally intense use that is compliant with Article XXIII of the Town Zoning Ordinance.

The request is **APPROVED** subject to the following conditions:

1. The design center, cosmetic improvements and copy change to the three signs shall be compliant with the narrative dated August 13, 2010.
2. The Town must fully document the site by photographing the property in its current and proposed state/condition.

Please contact the Planning Department if you have any questions.

Sincerely,

Eva Cutro

Eva Cutro
Planning & Building Director

Cc: Phil McClanahan

8/13/2010

Narrative

The property at 5203 E. Lincoln Drive (the "Property") has businesses currently operating under legal non-conforming uses.

The operation of business on the Property as a legal non-conforming uses was affirmed by the Maricopa Superior Court in 1979 (Case C-377031) as an interior design center.

The property consists of three buildings. Please see Exhibit B depicting the locations of each building. Building C is 1,492 square feet. The building is currently operating as a furniture store and interior design center. Building B is 1,914 square feet and is currently operated as a realty office. Building A is 1,024 square feet and is currently operating as a floral shop.

The Paradise Valley Home Design Center (the "PVHDC") intends to lease building 'C' and operate a home interior design center where various luxury home building finishes would be showcased to people considering new home construction or a remodel of their home. A more detailed use of the property is described in Exhibit A.

PVHDC plans to operate its business on the Property under the current legal non-conforming use. Since the inception of the non-conforming use, building 'C' has been operated as an interior design studio; initially as The Morse Studio of Interior Design and more recently as the Hague Antiques and Design Center. PVHDC is not requesting a change in the existing legal non-conforming use. The Town's zoning ordinances related to legal non-conforming uses refers to "new uses". Even though this is not a new use, we will use this ordinance as our guideline. The Town's zoning ordinances allows changes to legal non-conforming uses if the Board of Adjustment determines that the new use "is not more intense" than the current use. This application is to confirm that the proposed use by the PVHDC is not more intense than the existing use and is a continuation of the currently existing non-conforming use.

PVHDC intends to refinish buildings "C" and "A" (street front buildings) with a smooth white stucco and replace the shingle roof tiles with flat red clay tiles. This will greatly enhance the appearance of the Property and will update the buildings to better fit in with the character of the Town of Paradise Valley. PVHDC will not update the exterior appearance of the back building "B". We are also in discussions with a landscape company to trim and clean up the existing landscaping.

PVHDC intends to use the existing signs located on the site but will change the facings to read "PV Home Design Center". The location, lighting, width and height will remain the same. The current sign on building C is approximately 40" high and 10' wide. The west facing sign on building A also have new lettering to accommodate our business. The east monument sign by the drive in is approximately 42" wide and 28" high and will remain the same size but will carry a new logo.

Intensity Factors:

(1) Traffic:

The furniture and design center store currently average 10 to 25 car loads per day depending on the season. PVHDC does not anticipate traffic to exceed these levels. The PVHDC will be used for initial meetings with existing clients and walk in guests. For the most part, subsequent meetings would be located at the individual vendors show room for the particular trade/finish the client is interested in. The current antique and furniture store has traffic related to van deliveries which will not be a factor with the PVHDC.

(2) Parking:

There are presently 27 designated parking spaces on the Property with the majority of the spaces to the rear of the Property by Building B. These spaces are not visible from Lincoln Drive. PVHDC proposes no changes to the parking spaces on the Property.

(3) Employees:

The PVHDC will have no more than 3 employees. The exiting number of employees of the current occupant is unknown.

(4) Hours of Operation:

The PVHDC will have regularly scheduled hours from 9 AM to 5 PM Monday-Friday and hours of 9AM to 3PM on Saturday. This is consistent with the current hours of operation at the Property. There is a potential for the Property to be used on Sundays for prearranged client meetings. The PVHDC would operate under the same conditions as the previous occupants and would be open Sunday by appointment only. The time limits would be 9:00 AM to 6:00 PM.

(5) Noise:

PVHDC does not generate any significant noise.

(6) Light:

PVHDC will not alter any existing lighting on the site.

(7) Dust:

PVHDC will not create any additional dust.

(8) Building Size:

PVHDC will not increase the building size.

(9) Larger Vehicles on Site

Since this building will no longer require delivery vehicles, this will have the effect of decreasing this intensity factor.

EXHIBIT A

Paradise Valley Home Design Center

The Paradise Valley Home Design Center (PVHDC) will be a showcase for high-end home finishes. PVHDC is a new business and currently in formation. The showroom will be open to the public. The typical client will be a resident of the surrounding area that is looking to either enhance their existing home or build a new one. PVHDC will charge a monthly fee to hand selected vendors who would then showcase their finishes in the design center. Anticipated vendors would include trades and suppliers such as exterior doors and windows, interior doors, wood flooring, cabinetry, tile, window shades, appliances, stone counter tops, home automation, plaster finishes and carved stone. The design center will initially have 1 employee who will oversee the showroom and interface with the clients.

EXHIBIT B

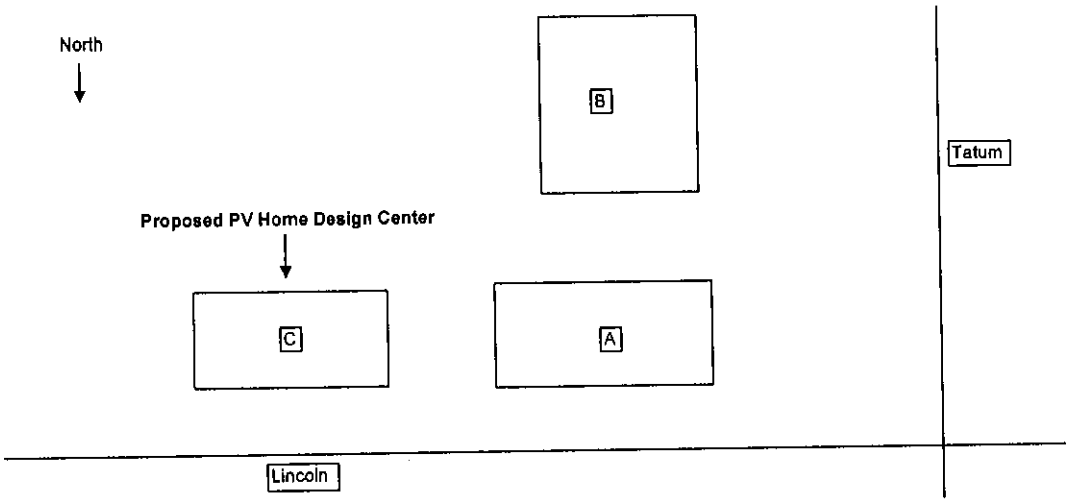

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Exhibit H

Zoning Group

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Attorney

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Cody White
Urban Planner

Taylor N. Moran
Urban Planner

Paola Jaramillo
Assistant Planner

January 19, 2011

Eva Cutro
Community Development Director
Town of Paradise Valley
6401 E. Lincoln Drive
Paradise Valley, AZ 85253

Richard Brock
Bedbrock Developers, LLC
7119 E. Shea Boulevard, Suite 109-685
Scottsdale, AZ 85254

Subject: 5203 E. Lincoln Drive – Paradise Valley Design Center (PVDC) Request to Occupy Building B and Sign Copy Changes

Dear Mr. Brock:

Staff reviewed the Paradise Valley Design Center's modified request to include the operation of the design center at Building B and changes to the copy of five existing signs, for the property located at 5203 East Lincoln Drive. Based upon the information submitted, staff determined that the PV Design Center is a consistent and equally intense use that is compliant with Article XXIII of the Town Zoning Ordinance.

The request to occupy Building B is **APPROVED** subject to the following conditions:

1. The use of the design center shall be compliant with the narrative/correspondence dated November 9, 2010 (Addendum to Narrative), November 29, 2010 and January 4, 2011.
2. The Town of Paradise Valley Planning Department must perform a final site inspection to ensure compliance with the Town Zoning Codes, prior to opening of the design center.

The request to change the copy of five existing signs is **APPROVED** subject to the following conditions:

1. All copy changes shall be limited to the existing copy sizes and locations.
2. The sign copies shall be substantially compliant with the narrative dated January 4, 2011.
3. A site inspection performed on January 13, 2011 revealed:
    a. The copy of Sign #3 has been expanded and appears to be an off-premises advertising sign. **Sign #3 must include "PVDC presented by" within the existing copy** to clarify that BedBrock Developers is an affiliation of PV Design Center. Also, the additional copy that has been placed underneath the original sign must be removed.
    b. **Sign #4 on Building B must also clarify the BedBrock affiliation** (i.e. PV Design Center Presented by BedBrock).

Please contact the Planning Department if you have any questions.

Sincerely,

Eva Cutro

Eva Cutro
Community Development Director

Cc: Phil McClanahan

11/9/2010

NOV - 9 2010

Addendum to Narrative Dated 8/13/2010

The property at 5203 E. Lincoln Drive (the "Property") has businesses currently operating under legal non-conforming uses.

The operation of business on the Property as a legal non-conforming uses was affirmed by the Maricopa Superior Court in 1979 (Case C-377031) as an interior design center.

The property consists of three buildings. Please see Exhibit A depicting the locations of each building. Building C is 1,492 square feet. Building B is 1,914. Building A is 1,024.

The Paradise Valley Home Design Center (the "PVHDC"), which is owned and operated by Bedbrock Developers, leases building 'C' and operates a home interior design center where various luxury home building finishes are showcased to people considering new home construction or a remodel of their home. The Town of Paradise Valley approved the existing use in a letter dated 8/19/2010.

During the space planning process of the Design Center, it was determined that additional space would be needed to accommodate all of the displays. The prior two occupants of building "B", Hague and Morse, both used this building, in addition to building "C" as an interior design center and office space and the proposed use is consistent with the prior uses. Please refer to the following attachments for back up documentation related to the buildings use:
Exhibit B – Picture of building "B" as Morse Interiors with a "SHOWROOM" sign on the building.
Exhibit C – Picture of building "B" as Morse Interiors with another "SHOWROOM" sign on the building.
Exhibit D – Letter from Gregory Hague to Neil Pascoe (Town Planner) regarding the purchase of the buildings in question where it is described that Morse operated out of both building "B" and "C".
Exhibit E – Letter from John Morse to Neil Pascoe (Town Planner) regarding he purchase of the buildings in question where it is described that the Morse's utilized all three buildings for their interior design business.

Intensity Factors:

(1) Traffic:

The expansion in to building "B" will not increase traffic to the building.

(2) Parking:

There are presently 27 designated parking spaces on the Property with the majority of the spaces to the rear of the Property by Building B. These spaces are not visible from Lincoln Drive. PVHDC proposes no changes to the parking spaces on the Property.

(3) Employees:

In the narrative dated 8/13/2010, it was noted that the PVHDC will have no more than 3 employees. The expansion in the building "B" will not increase the number of employees.

(4) Hours of Operation:

The PVHDC has regularly scheduled hours from 9 AM to 5 PM Monday-Friday and hours of 9AM to 3PM on Saturday. There is a potential for the Property to be used on Sundays for prearranged client meetings. The expansion in to building "B" will not effect the hours of operation.

(5) Noise:

PVHDC does not generate any significant noise.

(6) Light:

The expansion in to building "B" will not effect an increase in intensity in lighting.

(7) Dust:

PVHDC will not create any additional dust.

(8) Building Size:

PVHDC will not increase the building size.

(9) Larger Vehicles on Site

Since this building will no longer require delivery vehicles, this will have the effect of decreasing this intensity factor.

EXHIBIT A

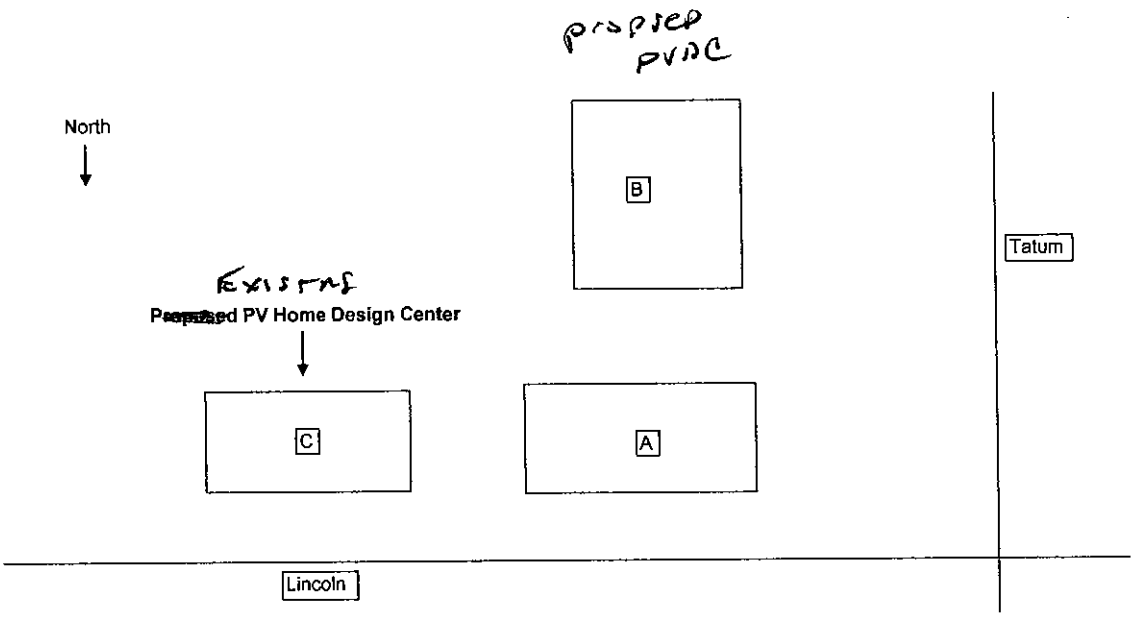

proposed PVHC
North
B
Tatum
Existing
Proposed PV Home Design Center
C
A
Lincoln

EXHIBIT B

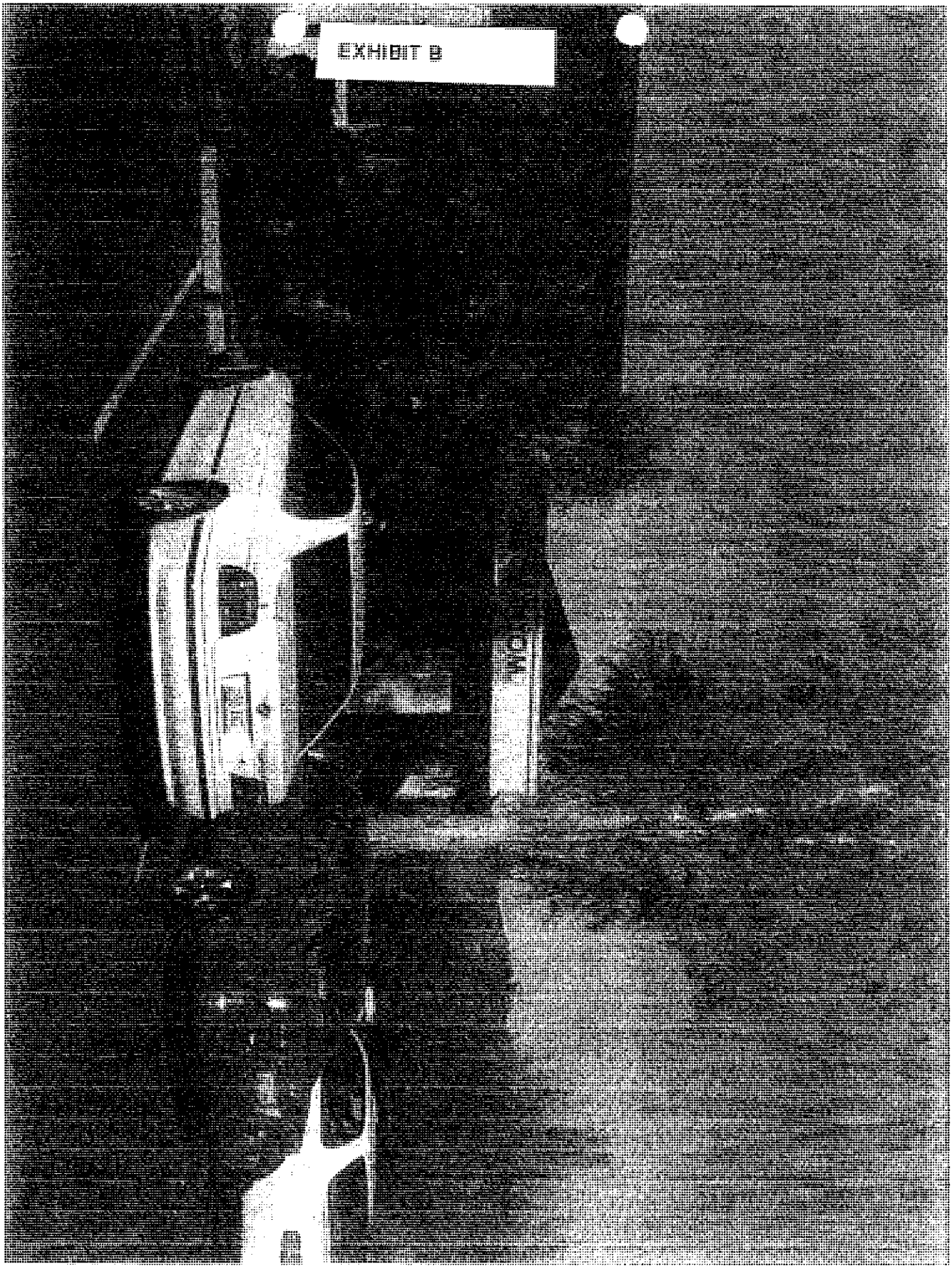


EXHIBIT C

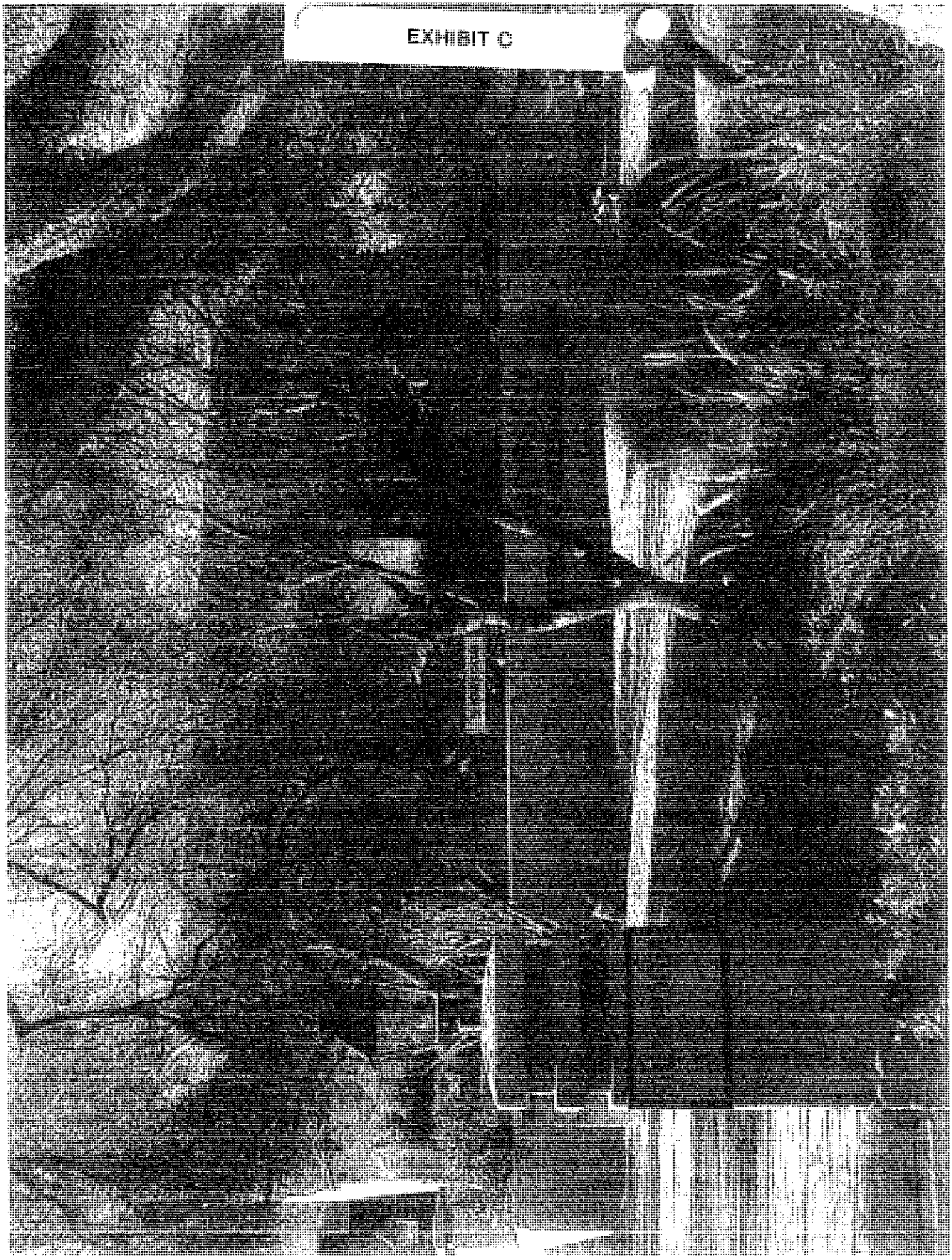


EXHIBIT D

January 4, 2000

Mr. Neil Pascoe
Town Planner
Town of Paradise Valley
6401 E. Lincoln Drive
Paradise Valley, Arizona 85253

Dear Mr. Pascoe:

I am under contract to purchase a property in the Town of Paradise Valley located at 5203 E. Lincoln Drive, subject to being able to use the property for my real estate business. The present owners are John and Kay Morse.

The Morses and their tenant currently operate a business on the property in accordance with a legal nonconforming use privilege. My business plan for the facility was drafted to conform with the rules relating to the continuation of a legal nonconforming use for the property.

The property consists of three buildings. A sketch of the buildings and their location on the property is attached. Buildings A is approximately 1024 square feet. Building C is approximately 1472 square feet. Building B is approximately 1914 square feet. There are 27 designated parking spaces on the property and signage for each building. The buildings and signage are lighted at night.

Building A is currently leased to a florist. The Morses, from time to time, have used all of the buildings to display antiques for sale and to provide displays and interior design services for potential furniture buyers. My plan of use for the property is similar in that I intend to display photographs/renderings of homes for sale and provide related information to potential home buyers.

I recognize that an essential element in the continuation of a nonconforming use for a new business is that there be no increase in intensity of the use of the property. I believe my intended use of the property will not increase and may lower the level of intensity in accordance with the following parameters:

a. The Morses' business hours have been from 9:00 a.m. to 5:00 p.m. weekdays, many weekends and some evening use. My business use will not exceed this pattern.

b. The Morses have maintained up to thirteen employees on the property. My business will not involve more than thirteen employees at the facility, and at most times will involve considerably fewer.

Exhibit D

c. The Morses hold an existing lease for Building A with a flower shop, which I would maintain.

d. The Morses currently operate their business from Buildings B and C. I will initially use the same buildings for my business.

e. Customer visits to the Morse studio averaged ten to fifteen groups/couples per day, with as many as twenty-five on some days. The number of daily customer visits to the facility with my business should not exceed this number, and on most days would average considerably fewer.

f. The Morses utilize a van for some daily deliveries and a delivery service with a large truck for daily deliveries of heavy items. My intended use would rarely involve the use of vans or trucks.

g. The Morses occasionally employ four to six temporary workers to unload 20 to 40 foot ocean containers from the rear parking lot. This activity would not be required for my intended use.

h. The Morses currently have certain lighted and unlighted signs at the facility. The signs would not be enlarged. The lighting also would remain the same, except if additional light is needed for security reasons.

i. There are currently twenty-seven designated parking spaces on the property for use by tenants and customers. The parking spaces will not be increased.

My real estate business specializes in the Town of Paradise Valley. I am also a resident of the Town. I appreciate and fully support the importance of maintaining the unique "flavor" of our Town. Therefore, I have made a concerted effort to formulate a business plan for the Morse property consistent with its previous use. Please confirm for me that should I purchase the property at 5203 E. Lincoln Drive and operate my real estate business in accordance with the business plan described above, that my business will be permitted on the property as the continuation of an existing legal nonconforming use.

I look forward to hearing from you. Thank you.

Sincerely,

Gregory D. Hague

GDH:amh

Enc.

EXHIBIT E

MORSE
AND ASSOCIATES
INTERIOR DESIGN

January 4, 2000

Mr. Neil Pascoe
Town Planner
Town of Paradise Valley

Dear Mr. Pascoe,

For the past twenty-two years my wife and I have owned the property at 5203 E. Lincoln Drive with its legal non-conforming use privilege. It is our plan to sell this property with its' continuing non-conforming use privilege to Gregory Hague.

Following is a brief history of the use of the property since we have owned it.

There are three buildings on the property, one of which (Building "B") was built in 1979. Buildings "A" and "C" along Lincoln Drive were built in the 1950's.

Building "C" was leased out as a ladies clothing store from 1979 to 1989, with as few as three and as many as six employees. Their business hours were 9:00 to 5:00 Monday through Saturday. Building "A" was leased out in 1989 as a flower shop and remains the same today, with as few as two and as many as four employees. Their business hours are 9:00 to 5:00 Monday through Friday and 9:00 to 2:00 on Saturday. They are also open on Sundays depending on the holiday schedule. We have operated Morse Studio of Interior Design and Antiques from building "A" and "B" as well as from "B" and "C" with as few as seven and as many as thirteen employees. Our normal business hours are from 9:00 to 5:00 weekdays and, on occasion, we work evenings and weekends, especially during the winter season. Our business is two quite distinct activities. One is the retail sale of antique and new furniture, lamps and accessories, while the other is our interior design business where we do space planning and design, and order furnishings for the homes and commercial properties that we do. Ours is a destination property with little or no foot traffic, as there is no sidewalk, and our clients and customers usually arrive by auto in groups of two or more, either to review design plans or to shop for antiques. We average 10 to 15 groups per day with as many as 25 groups during the winter season.

We have a van that we use daily for the deliveries of lamps, accessories and other small items. We utilize a delivery service to move larger furniture pieces several times a week in and out of both showrooms.

We unload 20 foot and 40-foot ocean containers of antiques in our rear parking lot two to three times a year as they arrive from Europe. We use four to six temporary workers to unload them.

5203 East Lincoln Drive Paradise Valley, AZ 85253
(602) 840-8120 FAX (602) 840-8223

Exhibit C

For security reasons there are floodlights under the roof at each corner of buildings A & C, and on the south corners of building B. There are three floodlights on 15 ft. high metal posts and six mushroom garden lights to illuminate the rear parking lot. There are four post lamps at the footbridge and over the ford that crosses a dry wash, which goes through the property.

There are lighted signs on the west and north sides of the building A, on the north side of building C, in a planter along the east side of the entrance drive and on the low wall on the north side of building B.

There are 27 designated parking spaces on the property shared by tenants and customers.

I hope this information is useful in determining if Mr. Hague's planned use would be more or less intense than the current use.

Sincerely,

John D. Morse

John D. Morse
Morse And Associates Interior Design

Rich Brock
BedBrock Developers
7119 E. Shea Blvd
Scottsdale, AZ 85254

November 29th, 2010

Dear George,

1. The article was written by a PR Marketing firm that was trying to project the PV Design Center to feel like a business with many capabilities. I personally did not proof read the article that was sent to the media by the firm. It was NOT an ad for the business.
There are NO conferencing facilities. There is a room with a table that will be used to have a customer understand the process of doing design for home improvement. It is just a 14 x 8 foot meeting room.

'PV Design Center, presented by BedBrock Developers' is this business. It is a retail business created to present upscale home improvement products for sale and offer design services. The company is owned and operated by Rich Brock, who owns and operates BedBrock Developers. Most projects will be managed by BedBrock Developers. If you go to the website: 'pvdesigncenter.com' you can understand how the concept works. BedBrock Developers main business address is 7119 E. Shea Blvd. We are also located at 5010 E. Shea Blvd. You can see our monument sign visible on Shea. The PV Design Center, by BedBrock Developers is a new business and will have vendor displays and require a few office tasks, designers drafting, and sales offices in building 'B'. This is no different than how Morse Design operated in the past. (See attached narrative from Morse, Exhibit A)

2. The use for building 'B' is exactly how building 'C' is being used. It is the PV Design Center by BedBrock Developers. We will have a showroom with vendor displays inside and it is open to the public. We need the space because we have more displays than we originally planned for.

3. We will be displaying products such as carpet, tile, wood flooring products, draperies, home appliances and other related home improvement products

4. We are planning to reduce the size and amount of signage used by both Morse and Hague. Morse used signage in 6 locations for building 'B'. We will be using 2 locations. The main sign size is 48"x 52". This is replacing a sign of approx. 55"x 48" on the left side of the door used by Morse. (see diagram) The signs will read, PV Design Center, BedBrock Developers. This is consistent with building 'C'. The other sign is exactly how Morse displayed 'SHOWROOM' on the column of the bridge (See old and new locations attached Exhibit B)

5. I believe that the neighbor issued the complaint to the Town because he has been served with an 'injunction for workplace harassment' by Judge Lawrence King of PV on my behalf. The neighbor is upset that we cleaned up the property and trimmed the oleanders at the front of the property. The oleanders were trimmed because of a safety hazard at egress of the driveway. There was a total blindside for pedestrians and cars. His property is a vacant lot that was a complete mess. My understanding is he was unhappy with all former businesses on the site and has threatened me day after day. The complaint is a continuation of the neighbor harassing myself and my business. I am very concerned for the safety of myself, employees and customers. All work on the property has been inspected by the TPV Building Inspector and we have had numerous visits by the Code Enforcement Officer to discuss code & conformance issues, which include the grounds of the property. There have been many construction vehicles parked all around the property.

George, Based on our original discussions, it was always my intent to have the signs read; 'Paradise Valley Home Design Center by BedBrock Developers'. I originally requested a 17 foot wide sign to fit all of the letters. You told me that I needed to stay in conformance and keep it on the current sign which is approximately 10 feet. We than had to shorten the name to fit and read; 'PV Design Center' and then move the 'BedBrock Developers' part to the small existing monument sign on the east side of the property. Pease note these changes, as I did not update the original narrative. As you know, we have had so many verbal discussions that I was unaware any small changes like this needed to be updated in writing.

I hope this helps clear up any discrepancies and updates our objectives. We have invested hundreds of thousands of dollars to improve the interior & exterior of the front two buildings without changing the footprint, which will enhance the beauty on Lincoln drive, help neighboring property values, have a nice boutique shop for the local residents, which will help all of us bring in revenue for the Town, create jobs for many and help beautify homes in the neighborhood with our products and services.

Sincerely,

Rich Brock

November 23, 2010

George Burton
Planner
Town of Paradise Valley
6401 E Lincoln Drive
Paradise Valley, AZ 85253

Richard Brock
Bedrock Developers LLC
7119 E. Shea Blvd.
Scottsdale, AZ 85254

Re: 5203 East Lincoln Drive: Request to Occupy Building B for the PVHDC

Dear Mr. Brock:

The revised narrative request to occupy Building B for the property located at 5203 East Lincoln Drive was reviewed by staff. However, more information must be provided in order for staff to fully evaluate the proposed use. Please provide the following information:

1. An article in the Paradise Valley Independent news paper indicates that your home building company will be housed in Building B and that the property will be used as a conferencing facility (see attached article). Please note that a home building company and conferencing center is not an existing/permissible use for 5203 E. Lincoln Drive.
    a. Identify the location of the parent company, BedBrock Developers. Identify if you are intending to relocate BedBrock Developers to this site.

2. Identify if Building B will be open to the public or if the use of Building B will be limited by appointment only.

3. Identify the use of Building B. Identify what, if any, type of goods or services will be displayed and/or sold from Building B.

4. Identify if there will be a change in signage to Building B. Identify the size, content, location, lighting and height of any new or modified signs on Building B.

5. The Town received a complaint from a neighboring resident stating that modifications have already been made to Building B and that a "BedBrock Developers" sign has been added to one of the buildings. Please note that modifications to Building B are prohibited without Town Zoning and Building approval. Also, current signage approval is limited to a copy of change that reads "PV Home Design Center."

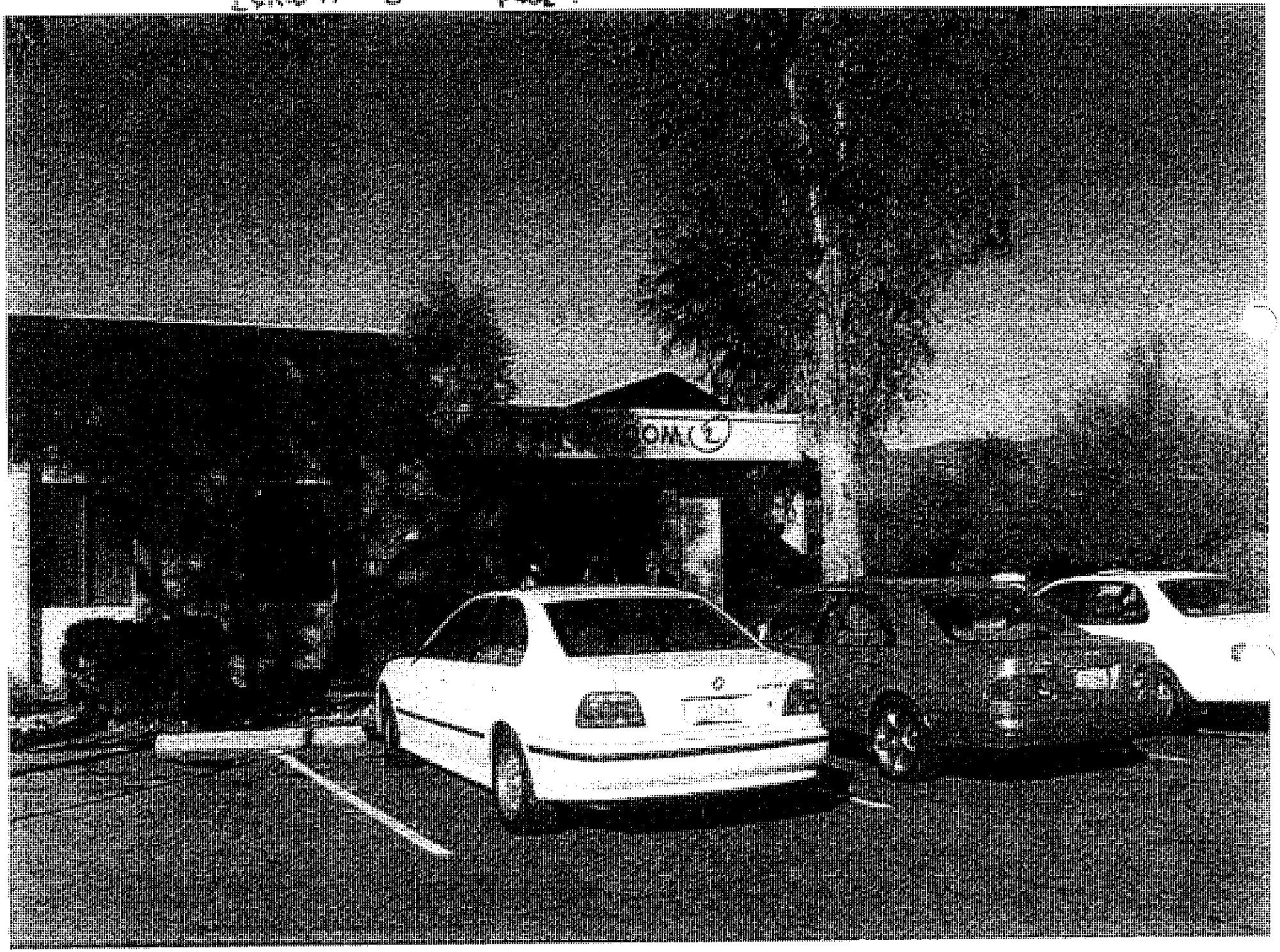

OM 2

EXHIBIT D PAGE 2

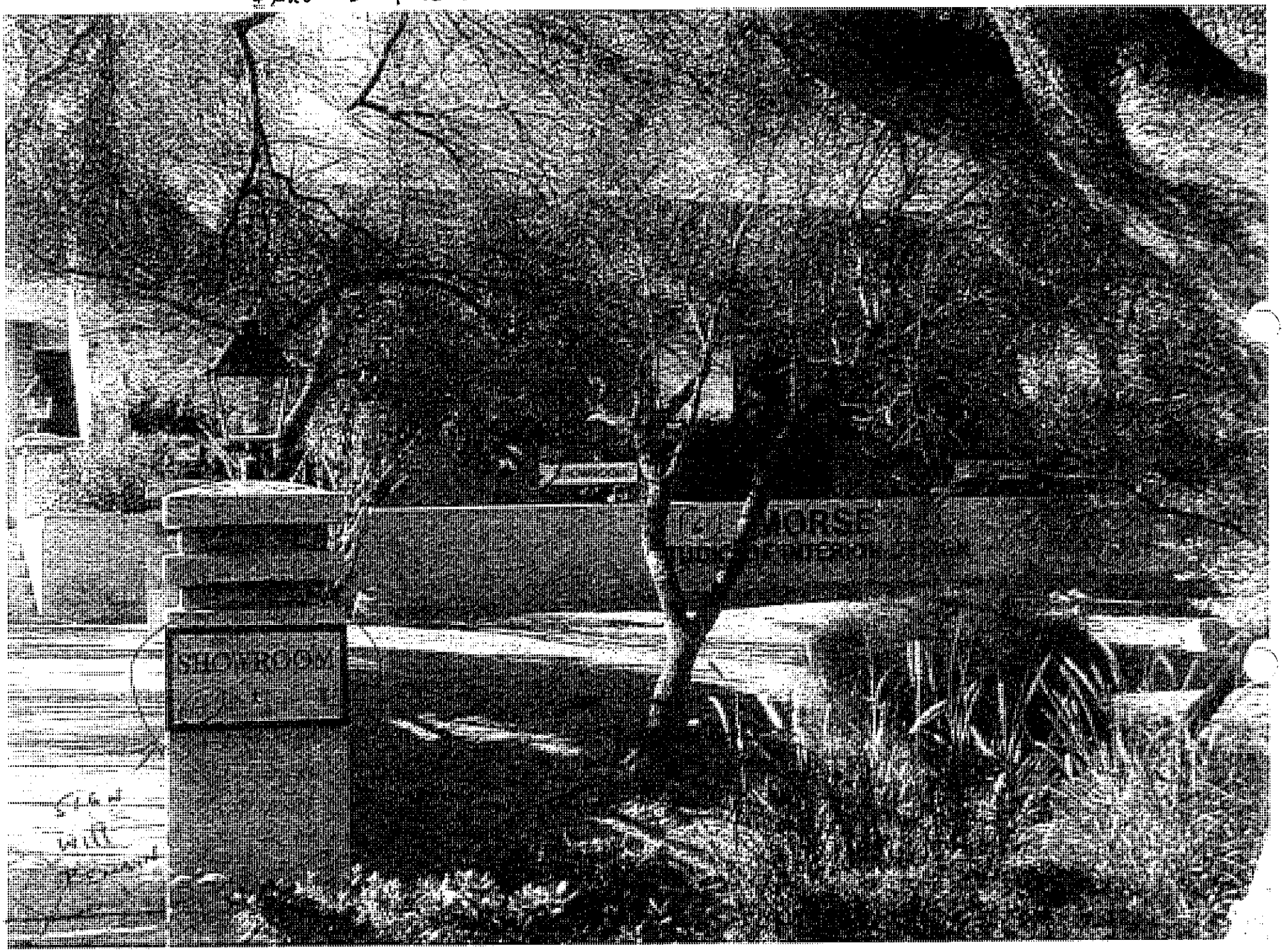


Exhibit 5 page 3

Exhibit A

2/7/00

Narrative

John and Kay Morse ("Morse") own the property at 5203 E. Lincoln Drive (the "Property").

The Property includes three buildings described below and is the site of the Morse Studio of Interior Design and a florist shop known as Jonquils.

Morse has owned the Property and continuously operated businesses on the Property since before it was annexed into the Town. The businesses operate as legal non-conforming uses.

The Morse Studio of Interior Design and Jonquils florist shop can continue to operate on the Property indefinitely as legal non-conforming uses.

Morse now wants to sell the Property to Gregory Hague ("Hague"). After the sale, the florist shop will continue. Hague could operate an interior design studio as a continuation of the existing legal non-conforming use. The interior design studio also can be changed to a showcase of homes.

Under the Town's zoning ordinance, a legal non-conforming use (such as an interior design studio) can be changed to another legal non-conforming use (such as a showcase of homes), if the Board of Adjustment determines that the new use is not more intense.

This application is to confirm that the new use proposed by Hague is not more intense than the existing use by Morse.

Uses

The operation of business on the Property as legal non-conforming uses was affirmed by the Maricopa Superior Court in 1979. See the Findings, Conclusions and Final Judgment in Maricopa County Superior Court Case No. C-377031, which are attached as Exhibit A. The same Findings also describe the general layout of the Property. A site plan is attached as Exhibit B.

As shown in the site plan, the Property consists of three buildings. Building A was built in the 1950's and is approximately 1024 square feet. In the past, Building A was used by Morse as an interior design studio and as a showcase/sales room for antique and new furniture, lamps and accessories. Building A is now leased to Jonquils as a florist shop.

Building B was built in 1979 and is approximately 1914 square feet. Building B is used by Morse as an interior design studio and as a showcase/sales room for antique and new furniture, lamps and accessories. Building B thus serves both as office and retail space.

Building C was built in the 1950's and is approximately 1472 square feet. In the past, Building C was leased to a ladies clothing store. Building C is now used by Morse as an interior design studio and as a showcase/sales room for antique and new furniture, lamps and accessories. Like Building B, Building C thus serves both as office and retail space.

As mentioned, Morse plans to sell the Property to Hague. Hague currently operates a real estate office on Hayden Road in Scottsdale. That office will not be relocated to Paradise Valley. Hague will continue to operate his principal real estate office outside of the Town and will use Buildings B and C to showcase homes in Paradise Valley through large, colored photographs of interiors and exteriors, and through graphics and videos. Building A will continue to be leased to Jonquils as a florist shop.

To further detail the existing uses on the Property, a letter from John D. Morse, dated January 4, 2000, describing his past and current use of the Property is attached as Exhibit C. Also attached is a letter from Gregory Hague, dated January 4, 2000, describing his proposed use for the Property. See Exhibit D.

Intensity

Like Morse, Hague plans to operate his business on the Property as a legal non-conforming use. This is permitted by the Town's zoning ordinances if the Board of Adjustment determines that the new use "is not more intense" than the existing use. Put differently, the new uses proposed by Hague can be at the same level of intensity or less intense than the existing use by Morse, but not more intense. The zoning ordinance lists nine factors of intensity to be considered by the Board:

1. increased traffic
2. increased parking
3. more on-site employees
4. change in hours of operation
5. increased noise
6. greater light
7. increased dust
8. increased building size
9. larger vehicles on the site

We add a tenth factor:

10. increased signage

Without repeating the detail of the Morse letter and Hague letter, it is useful to compare the existing and proposed uses of the Property in light of the factors of intensity listed above. For convenience, the ninth factor -- larger vehicles on site -- is discussed in connection with the first factor -- traffic.

1 & 9. Traffic and Larger Vehicles.

The Morse Studio of Interior Design is a destination property, with clients arriving by car in groups of two or more to review design plans or shop for furniture, lamps and accessories. Morse averages 10 to 15 car loads per day, with up to 25 car loads per day during the winter season. The clients are drawn from throughout metropolitan Phoenix and the state, with the occasional client from out-of-state or Europe. Most clients for the Morse Studio of Interior Design park to the rear of the Property, near Building B.

Hague's primary real estate office in Scottsdale does not average 10 or 15 carloads a day during any time of the year. Even less traffic is anticipated to the Property because Hague will showcase homes in Paradise Valley. Simply, there are a limited number of people at any time looking for a home in Paradise Valley.

Morse uses a van daily for deliveries of lamps, accessories and smaller pieces of furniture. There are also daily deliveries and shipments by Federal Express and UPS. Several times a week, trucks are used to move larger furniture pieces from the Property to an off-site warehouse, and from the warehouse to Buildings B and C. Two or three times a year, 20 and 40 foot ocean containers are parked near Building B to unload shipments from Europe.

Hague's proposed use of the Property will not require vans, trucks, ocean containers or regular deliveries by Federal Express and UPS and thus will result in a decrease of larger vehicles on the Property.

Jonquils florist averages 10 to 15 carloads per day, with up to 50 carloads daily during holiday and seasonal rushes. Clients for the florist shop typically park in front of Building A. Jonquils uses a van daily for frequent deliveries of flowers. This pattern of traffic and deliveries will not change after the sale to Hague.

2. Parking

There are presently 27 designated/striped parking spaces on the Property, with most of those spaces to the rear of the Property adjacent to Building B. These spaces are not

readily visible from Lincoln Drive and many Town residents have driven by the Property for years without realizing there is a building and parking to the rear of the Property. Hague proposes no change in the number or location of the parking spaces on the Property.

3. Employees

The florist shop in Building A now has from 2 to 4 employees, depending on the day of the week, holiday rushes, and the season.

For Buildings B and C, Morse has had as few as 7 and as many as 13 employees. The employees walk between Buildings B to C with clients to see representative examples of furniture, lamps and accessories and to use sample books. There is also dedicated office space in both Buildings B and C.

Hague's proposed use of Buildings B and C will involve no more than 13 employees at any time, and will usually involve considerably fewer.

4. Hours of operation

The Morse studio of interior design has regularly-scheduled hours from 9 to 5 Monday through Friday and from 9 to 2 on Saturday, for a total 45 regularly-scheduled business hours per week. In addition, the studio is open on Sundays and evenings by appointment. Particularly during the winter season, there are weekend and evening appointments. Hague's showcase of homes will be open on Sundays rather than Fridays. The total number of regularly-scheduled business hours each week will remain the same as Morse.

Jonquils has regularly-scheduled business hours from 9 to 5 Monday through Friday and from 9 to 2 on Saturday. Jonquils also is open on Sundays during the holiday season.

5. Noise

The Morse businesses do not generate any significant noise. If anything, the Hague use will result in a decrease in noise because of a decrease in larger vans, trucks and ocean containers on the Property and a decrease in automobile traffic.

6. Light

For security reasons, there are floodlights under the roof at each corner of Buildings A and C and on the south corners of Building B. There are also three floodlights on 15-foot metal posts and 6 mushroom garden lights to illuminate the rear parking lot. There are four

post lamps at the foot bridge and over the ford that crosses a wash. This lighting will remain in place and will not be increased by Hague, unless required for security reasons.

7. Dust

All the parking spots on the Property are paved. Between Building B and Buildings A and C is a wash crossed by a footbridge and a separate crossing for vehicles. Hague will maintain the wash in its current state and will not change the paved parking area. There should be no increase in dust.

8. Building size

Building A is approximately 10,024 square feet. Building B is approximately 1914 square feet. Building C is approximately 1472 square feet. The size of these buildings will not be increased. Between Building B and Buildings A and C is a wash, which will remain in its present condition. The wash is crossed by a footbridge and there is also a crossing for vehicles. The footbridge and vehicle crossing will not be expanded in size.

10. Signage.

There are lighted signs on the west and north sides of Building A, on the north side of Building C, in a planter along the east side of the entrance drive, and on the low wall to the north of Building B. From time to time, a banner sign is placed on Building A and C to advertise sales and seasonal events. Hague will not increase the size or number of signs on the Property.

In sum, Hague's proposed use of the Property will not increase any of the 10 factors of intensity. At least two factors will decrease: The number of larger vehicles on site and the daily automobile traffic to the Property. A third factor -- noise -- is likely to decrease with the decrease in the number of larger vehicles on site and the decrease in automobile traffic.

Stipulations

To assure the Town that Hague's use of the Property (and the use of any future owner) will be consistent with this narrative, we ask the Board of Adjustment to approve Hague's proposed use of the Property as a legal non-conforming use, subject to the following stipulations:

1. The number, location, and size of the buildings on the Property shall remain as shown on the site plan attached as Exhibit B.

2. The number and location of parking spaces on the Property shall remain as shown on the site plan attached as Exhibit B.

3. Automobile traffic to Buildings B and C averages 10 to 15 cars per day, with up to 25 carloads per day during the winter season. Automobile traffic to Building A averages 10 to 15 carloads per day, with up to 50 carloads per day during holiday and seasonal rushes. This pattern of automobile traffic shall not be increased.

4. Delivery vans to and from Building A shall continue consistent with the needs of a florist shop. Larger vehicles to Buildings B and C shall not exceed the existing pattern, which include vans, trucks, and ocean containers and regular deliveries by Federal Express and UPS.

5. The employees in Building A at any time shall not exceed four. The employees in Building B and C at any time shall not exceed 13.

6. The hours of business for Buildings B and C shall not exceed 45 regularly-scheduled business hours per week, plus some additional hours by appointment. The hours of business for Building A shall not exceed 45 regularly-scheduled business hours per week, with additional hours on Sundays during the holiday season.

7. No activities shall be permitted on the Property that materially increase the level of noise.

8. No activities shall be permitted on the Property that materially increase the level of dust.

9. Lighting on the Property consists of floodlights under the roof at each corner of Buildings A and C and on the south corners of Building B; three floodlights on 15-foot metal posts; six mushroom garden lights to illuminate the rear parking lot; and four post lamps at the footbridge and over the ford that crosses the wash. The lighting on the Property will not be materially increased, except for security reasons.

10. There are lighted signs on the west and north sides of Building A; on the north side of Building C; in a planter along the east side of the entrance drive; and on the low wall to the north of Building B. From time to time, a banner sign is placed on Building A and C. This signage will not be increased in number or size.

DRAFT

BEDROCK
DEVELOPERS, LLC
Extraordinary Luxury Homes

Paradise Valley & La Jolla

PV DESIGN CENTER

simplify the process

1/4/2011

George Burton
Planner
Town of Paradise Valley
6401 E. Lincoln Drive
Paradise Valley, AZ 85253

Re: Response to letter dated 12/22/2010 re: 5203 E. Lincoln Sign Modifications

Dear George:

Regarding the additional information requested on your letter dated 12/22/2010, please see the following:

Sign Copies/Locations:

Please refer to Exhibit A included with this letter with a diagram of the sign locations.

Sign #1: Sign #1 is located on building A. The prior size of the sign was 40' x 10'. The new sign will remain at 40' x 10'. The former copy of the sign was "Hague Showcase". The new copy for the sign will read "PV Design Center".

Sign #2: Sign #2 is located on building C. The prior size of the sign was 40' x 10'. The new sign will remain at 40' x 10'. The former copy of the sign was "Hague Showcase". The new copy for the sign will read "PV Design Center".

Sign #3: Sign #3 is a monument sign located near the street on the East end of the property. The prior size of the sign was 28" x 42". The new sign will remain at 28" x 42". The former copy of the sign was "Hague Showcase". The new copy for the sign will display "Presented by BedBrock Developers, LLC Extraordinary Luxury Homes Paradise Valley La Jolla".

In addition to these items, the diagram also indicates the signs referenced in your letter dated 11/23/2010. We have reduced the size and amount of signage used by both Morse and Hague. Morse used signage in 6 locations for building 'B'. We will be using 2 locations. The main sign size is 48"x52" (please refer to sign #4). This is replacing a sign of approximately 55"x48" on the left side of the door used by Morse. The signs will read PV Design Center, BedBrock Developers. This is consistent with building 'C'. The other sign is exactly how Morse displayed 'SHOWROOM' on the column of the bridge (please refer to sign #5).

Exterior Displays:

As discussed, the putting green is not an exterior display, however the putting aspect will be removed and the lawn will be blended within the new landscape.

Business Journal Magazine:

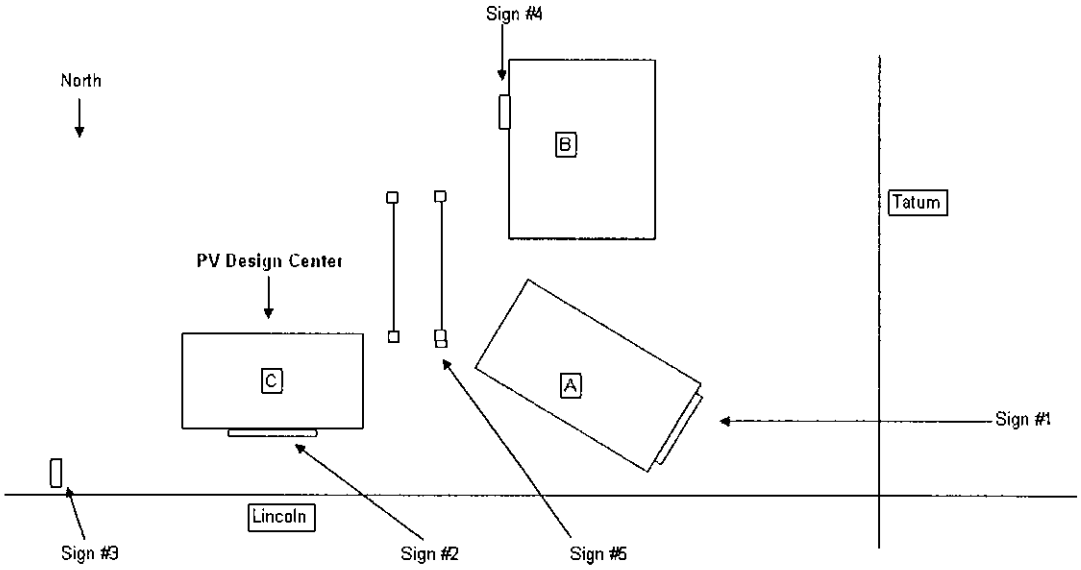
In regards to the published article in the Business Journal magazine, as noted in a previous letter, we had not approved the content for the media release prior to its release. We have asked our PR firm to correct the inaccuracies in the verbiage. We do not have any conferencing facilities and do not plan to offer any classes.

If you have any questions please contract me at 602-695-1000. Thank you.

Sincerely,

Richard Brock

EXHIBIT A


Sign #4
North
B
Tatum
PV Design Center
C
A
Sign #1
Lincoln
Sign #3
Sign #2
Sign #5

Snell & Wilmer

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Exhibit I

Zoning Group

Heather Dukes, Esq
Attorney

Noel J. Griemsmann, AICP
Sr. Urban Planner

Cody White
Urban Planner

Taylor N. Moran
Urban Planner

Paola Jaramillo
Assistant Planner

April 7, 2011

Eva Cutro
Community Development Director
Town of Paradise Valley
6401 E. Lincoln Drive
Paradise Valley, AZ 85253

Richard Brock
Bedbrock Developers, LLC
7119 E. Shea Boulevard, Suite 109-685
Scottsdale, AZ 85254

Subject: 5203 E. Lincoln Drive – PV Design Center Request to Occupy Building A and Sign Copy Change to Building A

Dear Mr. Brock:

Staff reviewed the PV Design Center's request to include the operation of the design center at Building A and change the copy of the north sign on Building A, for the property located at 5203 East Lincoln Drive. Based upon the information submitted, staff determined that the PV Design Center is a consistent and equally intense use that is compliant with Article XXIII of the Town Zoning Ordinance.

The request to occupy Building A and change the existing sign copy is **APPROVED** subject to the following conditions:

1. The use of the design center shall be substantially compliant with the narrative/correspondence dated March 18, 2011.
2. The Town of Paradise Valley Planning Department must perform a final site inspection to ensure compliance with the Town Zoning Codes, prior to opening of the design center in Building A.
3. The sign copy change shall be: (1) limited to the existing copy size and location, and (2) substantially compliant with the narrative dated March 18, 2011.
4. The Town must fully document the site by photographing the property in its final state/condition.

Please contact the Planning Department if you have any questions.

Sincerely,

Eva Cutro

Eva Cutro
Community Development Director

Cc: Phil McClanahan

3/18/2011

Narrative

The property at 5203 E. Lincoln Drive (the "Property") has businesses currently operating under legal non-conforming uses.

The operation of business on the Property as a legal non-conforming uses was affirmed by the Maricopa Superior Court in 1979 (Case C-377031) as an interior design center.

The property consists of three buildings. Building A is 1024 square feet and was most recently operating as a floral shop and Morse Interior Design Center. Building B is 1914 square feet and is currently operated as an interior design center under the name PV Design Center Presented by BedBrock Developers. Building C is 1472 square feet. The building is also currently operating as an interior design center under the name PV Design Center Presented by BedBrock Developers. Refer to Exhibit D for building map.

The PV Design Center intends to utilize Building A as an expansion of its existing business in order to have the capability of showcasing additional design ideas. We believe that this is an extension of the buildings existing legal non-conforming use. Building A was utilized by Morse Studio of Design as a studio for interior design. The support for this is included with this Narrative as Exhibit A, a letter dated 1/4/2000 from Morse and Associates to Mr. Neil Pascoe, Town of Paradise Valley Town Planner where John Morse explains that they have utilized building A as a studio of design and antiques. Although the building was most recently operated as a florist shop, the change never went before the Board of Adjustment. The support for this is included in Exhibit B, an excerpt from a Board of Adjustment Action Report dated 3/1/2000 by Eva Cutro where it is explained that "there is no evidence that the change to a florist shop ever went before the Board of Adjustment." As further support to the continuation of the legal non-conforming use we have included Exhibit C, an excerpt from a Narrative dated 2/7/2000 where it states that "Hague could operate an interior design studio as a continuation of the existing legal non-conforming use." Exhibit C also states that "Building A is now used by Morse as an interior design studio…"

The PV Design Center intends to utilize the existing sign on Building A however the verbiage will be revised to read "PV Design Center Simplify the Process". The current sign is approximately 4'x10' and will remain the same size. Refer to Exhibit D.

This continuation in the approved use of Building A will not increase the intensity based on any of the 9 intensity factors (traffic, parking, employees, hours of operation, noise, light, dust, building size and vehicle size) since Building A will simply be used as an expansion for additional displays for the existing PV Design Center business. The following is a more detailed review of the intensity factors:

Intensity Factors:

(1) Traffic:
The previous furniture and design center stores averaged 10 to 25 car loads per day depending on the season. PVDC does not anticipate traffic to exceed these levels. The PVDC will be used for initial meetings with existing clients and walk in guests. For the most part, subsequent meetings would be located at the individual vendors show room for the particular trade/finish the client is interested in. The expansion in to building A will not increase the number of cars per day since it is just an expansion of the existing business.

(2) Parking:
There are presently 27 designated parking spaces on the Property with the majority of the spaces to the rear of the Property by Building B. These spaces are not visible from Lincoln Drive. PVDC proposes no changes to the parking spaces on the Property. The expansion in to building A will not change the number of parking spots available.

(3) Employees:
The expansion in to building A will not increase the number of employees as we will be utilizing existing staff.

(4) Hours of Operation:
The PVDC will have regularly scheduled hours from 10 AM to 6 PM Monday-Friday and hours of 9AM to 3PM on Saturday. This is consistent with the current hours of operation at the Property. There is a potential for the Property to be used on Sundays for prearranged client meetings. The expansion in to building A will not change the hours of operation.

(5) Noise:
PVDC does not generate any significant noise and the expansion in to building A will not increase noise levels.

(6) Light:
PVDC will not alter any existing lighting on the site.

(7) Dust:
PVDC will not create any additional dust.

(8) Building Size:
PVDC will not increase the building size.

(9) Larger Vehicles on Site
The expansion in to building A will not require any larger vehicles on site.

Improvements:

The improvements required to building A related to the PVDC will be minimal. We will not be adding lighting, changing the footprint of the building or making any changes to the parking lot. The improvements will be limited to paint, drywall repairs and floor repairs. Some interior plugs and lights may need to be moved as well and an over the counter electrical permit will be obtained if the work requires one.

Letter of Authorization:

We have obtained authorization of the owner of the property to expand in to building A. Please see Exhibit E, a letter from Phil McClanahan dated 3/18/20.

Richard Brock
PV Design Center

EXHIBIT A

MORSE
AND ASSOCIATES
INTERIOR DESIGN

January 4, 2000

Mr. Neil Pascoe
Town Planner
Town of Paradise Valley

Dear Mr. Pascoe,

For the past twenty-two years my wife and I have owned the property at 5203 E. Lincoln Drive with its legal non-conforming use privilege. It is our plan to sell this property with its' continuing non-conforming use privilege to Gregory Hague.

Following is a brief history of the use of the property since we have owned it.

There are three buildings on the property, one of which (Building "B") was built in 1979. Buildings "A" and "C" along Lincoln Drive were built in the 1950's.

Building "C" was leased out as a ladies clothing store from 1979 to 1989, with as few as three and as many as six employees. Their business hours were 9:00 to 5:00 Monday through Saturday. Building "A" was leased out in 1989 as a flower shop and remains the same today, with as few as two and as many as four employees. Their business hours are 9:00 to 5:00 Monday through Friday and 9:00 to 2:00 on Saturday. They are also open on Sundays depending on the holiday schedule. We have operated Morse Studio of Interior Design and Antiques from building "A" and "B" as well as from "B" and "C" with as few as seven and as many as thirteen employees. Our normal business hours are from 9:00 to 5:00 weekdays and, on occasion, we work evenings and weekends, especially during the winter season. Our business is two quite distinct activities. One is the retail sale of antique and new furniture, lamps and accessories, while the other is our interior design business where we do space planning and design, and order furnishings for the homes and commercial properties that we do. Ours is a destination property with little or no foot traffic, as there is no sidewalk, and our clients and customers usually arrive by auto in groups of two or more, either to review design plans or to shop for antiques. We average 10 to 15 groups per day with as many as 25 groups during the winter season.

We have a van that we use daily for the deliveries of lamps, accessories and other small items. We utilize a delivery service to move larger furniture pieces several times a week in and out of both showrooms.

We unload 20 foot and 40-foot ocean containers of antiques in our rear parking lot two to three times a year as they arrive from Europe. We use four to six temporary workers to unload them.

5203 East Lincoln Drive Paradise Valley, AZ 85253
(602) 840-8120 FAX (602) 840-8223

Exhibit C

EXHIBIT B

FILE COPY

PARADISE VALLEY

BOARD OF ADJUSTMENT ACTION REPORT	
TO:	Board of Adjustment
FROM:	Eva Cutro, Assistant Planner
SUBJECT:	5203 E. Lincoln Drive -- Consideration of a Change in Nonconforming Use.
AGENDA DATE:	March 1, 2000

POSSIBLE ACTIONS:

A motion to allow the change in use based on the determination that the proposed use is not a more intense use than the existing one.

A motion to allow the change in use subject to certain stipulations.

A motion to deny the change in use based on the determination that the proposed use is a more intense use than the existing one.

FACTS: The property in question is located at 5203 E. Lincoln Drive. It is a legal non-conforming retail center comprised of three separate buildings. Interior design studio/antiques sales rooms fill two of the buildings and a florist shop is in the third. The owners of the property, John and Kay Morse, would like to sell the property to Gregory Hague. He is proposing to change the use of the interior design studio/antiques sales rooms to continue to offer interior design services in connection with real estate marketing in the Town. Essentially, a "showcase" of properties would be added. The real estate office would not be his primary office, and would only showcase Paradise Valley homes. The use of the florist shop will not change.

Section 908 of the Zoning Ordinance states:

Change in Use: A nonconforming use may be changed to another nonconforming use only if the Board of Adjustment determines that the new use is not a more intense use. The factors to be considered by the Board of Adjustment shall include, but not be limited to:

1. increased traffic
2. increased parking
3. more on-site employees
4. change in hours of operation
5. increased noise
6. greater light
7. increased dust
8. increased building size
9. larger vehicles on site

The applicants have addressed all factors and believe the proposed use is not a more intense use. They are requesting that the Board of Adjustment allow the change in use.

HISTORY

The retail center was constructed in the 1950s. It was purchased by John and Kay Morse in 1978 and expanded in 1979. It has remained unchanged in size since that time. There was a change in use in 1989, when one building was changed from a dress shop to the current florist shop. There is no evidence that this change in use ever went before the Board of Adjustment.

FACTORS

Increased Traffic

John and Kay Morse have stated that the Morse Studios average 10 to 15 carloads a day, with up to 25 carloads during the winter season. Greg Hague noted that his Scottsdale real estate office averages less than 10 to 15 carloads a day, at any time of the year. As the proposed office will only showcase Paradise Valley homes, Mr. Hague anticipates it will generate less traffic than his Scottsdale office; and much less traffic than the Morse Studios.

Jonquils florist averages 10 to 15 carloads a day with up to 50 carloads during holiday rushes. As this use will remain the same, there should be no change in the traffic generated by the florist shop.

Increased Parking

There are currently 27 parking spaces on site. Mr. Hague has stated there will be no change in the number of parking spaces.

More On-Site Employees

Morse Studios currently employs between 7 and 13 people. Mr. Hague has stated he will not employ more than 13 people at any time, and anticipates employing considerably fewer.

Jonquils florist shop employs between 2 to 4 people. This number will not change.

Change in Hours of Operation

Morse Studios is currently open for 45 regularly scheduled hours a week. They are open from 9-5, Monday to Friday, and from 9-2 on Saturday. They also see clients, by appointment only, on Sundays and in the evenings. Mr. Hague stated his realty office would also be open for 45 regularly scheduled hours; however, he will be open Sundays instead of Fridays.

The hours for Jonquils florist shop will not change.

Increased Noise

The current use does not generate a lot of noise, nor will the proposed use. There may be a decrease in noise if there is a decrease in traffic. There may also be a decrease in noise if there is a decrease in the amount of large vehicles making deliveries and pickups.

Greater Light

There are currently floodlights attached to the corners of the buildings and three floodlights on poles in the parking area. In addition there are 6 mushroom garden lights and four post lamps.

EXHIBIT C

2/7/00

Narrative

John and Kay Morse ("Morse") own the property at 5203 E. Lincoln Drive (the "Property").

The Property includes three buildings described below and is the site of the Morse Studio of Interior Design and a florist shop known as Jonquils.

Morse has owned the Property and continuously operated businesses on the Property since before it was annexed into the Town. The businesses operate as legal non-conforming uses.

The Morse Studio of Interior Design and Jonquils florist shop can continue to operate on the Property indefinitely as legal non-conforming uses.

Morse now wants to sell the Property to Gregory Hague ("Hague"). After the sale, the florist shop will continue. Hague could operate an interior design studio as a continuation of the existing legal non-conforming use. The interior design studio also can be changed to a showcase of homes.

Under the Town's zoning ordinance, a legal non-conforming use (such as an interior design studio) can be changed to another legal non-conforming use (such as a showcase of homes), if the Board of Adjustment determines that the new use is not more intense.

This application is to confirm that the new use proposed by Hague is not more intense than the existing use by Morse.

Uses

The operation of business on the Property as legal non-conforming uses was affirmed by the Maricopa Superior Court in 1979. See the Findings, Conclusions and Final Judgment in Maricopa County Superior Court Case No. C-377031, which are attached as Exhibit A. The same Findings also describe the general layout of the Property. A site plan is attached as Exhibit B.

As shown in the site plan, the Property consists of three buildings. Building A was built in the 1950's and is approximately 1024 square feet. In the past, Building A was used by Morse as an interior design studio and as a showcase/sales room for antique and new furniture, lamps and accessories. Building A is now leased to Jonquils as a florist shop.

Building B was built in 1979 and is approximately 1914 square feet. Building B is used by Morse as an interior design studio and as a showcase/sales room for antique and new furniture, lamps and accessories. Building B thus serves both as office and retail space.

Building C was built in the 1950's and is approximately 1472 square feet. In the past, Building C was leased to a ladies clothing store. Building C is now used by Morse as an interior design studio and as a showcase/sales room for antique and new furniture, lamps and accessories. Like Building B, Building C thus serves both as office and retail space.

As mentioned, Morse plans to sell the Property to Hague. Hague currently operates a real estate office on Hayden Road in Scottsdale. That office will not be relocated to Paradise Valley. Hague will continue to operate his principal real estate office outside of the Town and will use Buildings B and C to showcase homes in Paradise Valley through large, colored photographs of interiors and exteriors, and through graphics and videos. Building A will continue to be leased to Jonquils as a florist shop.

To further detail the existing uses on the Property, a letter from John D. Morse, dated January 4, 2000, describing his past and current use of the Property is attached as Exhibit C. Also attached is a letter from Gregory Hague, dated January 4, 2000, describing his proposed use for the Property. See Exhibit D.

Intensity

Like Morse, Hague plans to operate his business on the Property as a legal non-conforming use. This is permitted by the Town's zoning ordinances if the Board of Adjustment determines that the new use "is not more intense" than the existing use. Put differently, the new uses proposed by Hague can be at the same level of intensity or less intense than the existing use by Morse, but not more intense. The zoning ordinance lists nine factors of intensity to be considered by the Board:

1. increased traffic
2. increased parking
3. more on-site employees
4. change in hours of operation
5. increased noise
6. greater light
7. increased dust
8. increased building size
9. larger vehicles on the site

We add a tenth factor:

EXHIBIT D

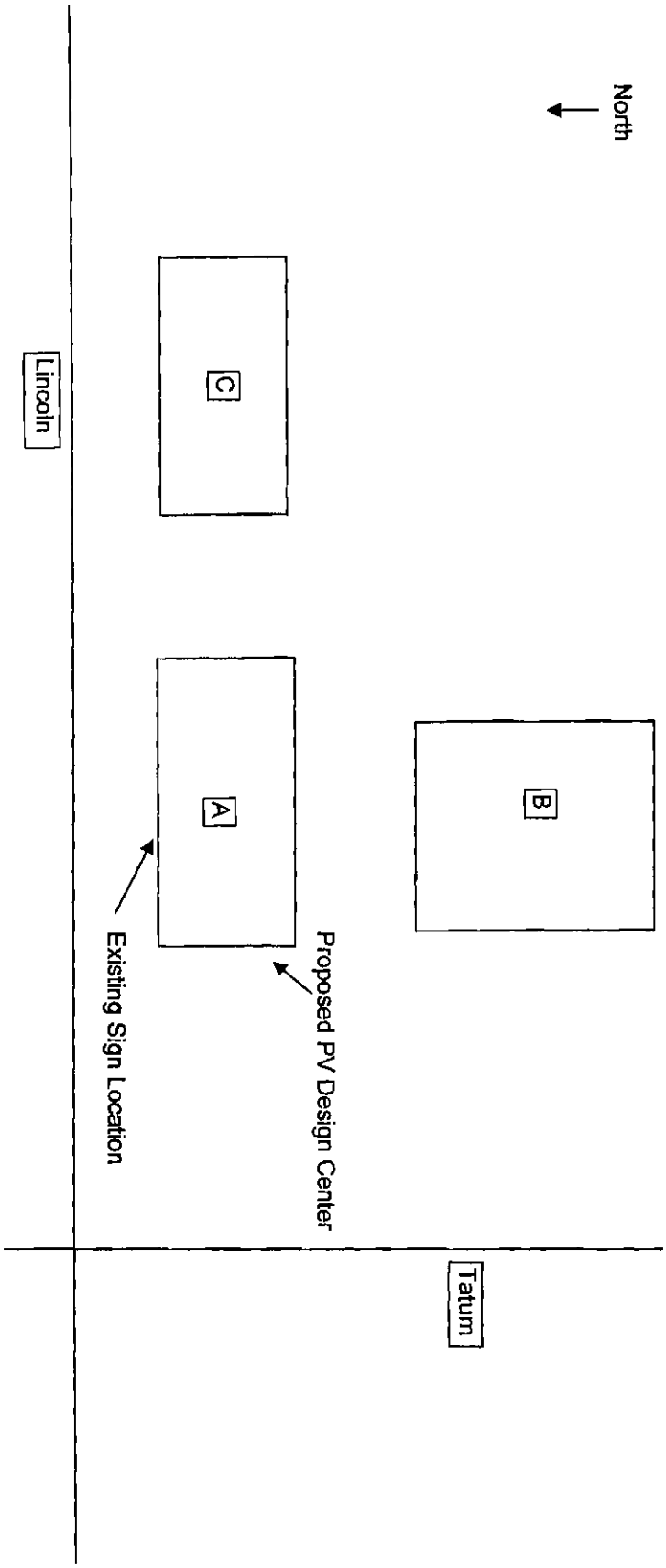
Tatum
Lincoln
B
A
C
Proposed PV Design Center
Existing Sign Location
North

EXHIBIT E

5205 Lincoln, LLC
4211 E. Claremont
Paradise Valley, Arizona 85253

3/18/2011

Town of Paradise Valley
Attn: George Burton
6401 E. Lincoln Drive
Paradise Valley, AZ 85253

Re: Approval of Occupancy for PV Design Center for Building A

Dear George,

Please let this letter serve as my written authorization for the PV Design Center to occupy Building A at my property located at 5203 E. Lincoln Drive.

Sincerely,

Phil McClanahan

Phil McClanahan

NOTE:

Building A is defined as the Northwest building for purposes of this document.

PMc
3/21/11

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Exhibit J

Zoning Group

Heather Dukes, Esq
Attorney

Noel J. Griemsmann, AICP
Sr. Urban Planner

Cody White
Urban Planner

Taylor N. Moran
Urban Planner

Paola Jaramillo
Assistant Planner

Town of Paradise Valley. 6401 East Lincoln Drive. Paradise Valley, AZ 85253

Transmitted via e-mail to: rich@bedbrock.com
kgroman@crowncanyon.com
tom@mountainsidefitness.com

February 7, 2020

Rich Brock, Kevin Groman, Tom Hatten
5203 East Lincoln Drive
Paradise Valley, AZ 85253

RE: Existing Non-Conforming Use at 5203 East Lincoln Drive (APN 169-27-029)

Dear Sirs:

At our meeting in January you had requested a list of approved uses for the referenced property above. I also understand that you met with Mayor Bien-Willner and Council Member Dembow on January 27th and since that time we've continued to discuss internally.

The referenced property is a non-conforming retail center on a residentially zoned parcel which was annexed into the Town in 1982 as a design studio, antiques sale room, and a florist shop. As a non-conforming use, the property can be utilized in conformance with the underlying zoning (R-43) as a single-family home or continue to operate the current use on the property. The most recent use of the property, as Stevans Consignment, offered interior design services and furniture sales. Any change in use that differs from the most recent Stevans Consignment use requires determination from the Board of Adjustment regarding intensity of use per Section 2306 of the Town's Zoning Ordinance. Attached for your reference is a Memorandum from December 18, 2019 summarizing a brief history of the property.

Due to the uncertain nature of changing existing non-conforming uses within the Town's Zoning Ordinance, if you wish to continue to use the property for a commercial use staff recommends pursuing the appropriate entitlements, which are subject to Town Council consideration. The entitlements would include a Major General Plan Amendment, a Zoning Ordinance Text Change, a Rezoning, and a Special Use Permit. While the process will more then likely take a year to complete, it will provide entitlement certainty for you as the property owner, neighboring property owners, and the Town.

If you have any questions, or would like to continue to discuss with staff, please contact me at (480) 348-3522.

Sincerely,

Jill Keimach
Town Manager
Town of Paradise Valley
6401 E Lincoln Drive
Paradise Valley, AZ 85253

Attachment: Memorandum Dated December 18, 2019

Cc: Jeremy Knapp, Community Development Director
Phil McClanahan, Property Owner

Memorandum

TO: **Jeremy Knapp, Community Development Director**
Paul Michaud, Planning Manager

DATE: **December 18, 2019**

FROM: **George Burton, Senior Planner**

SUBJECT: **5203 East Lincoln Drive**

5203 East Lincoln Drive is a non-conforming retail center on a residentially zoned lot. The property is comprised of three buildings and was originally constructed in the 1950s. Below is a brief outline and history of the property:

History

- John and Kay Morse purchased the property 1978 and created a design studio/antiques sales room and florist shop.
- The property was annexed into the Town in 1982 and continued to operate as a design studio, antiques sale room, and florist shop. Then, the property was purchased by Gregory Hague in 2000. Hague transitioned the interior design studio into a design center that "showcased" Paradise Valley homes. Hague initially applied for a variance for a change of use, however, the variance application was withdrawn, and maintained some version of a design center (not certain of what the specific scope or use that Hague maintained – see May 10, 2000 attachment).
- Phil McClanahan purchased the property in 2010. Paradise Valley Home Design Center (via Rich Brock) occupied all three building. PV Design Center displayed different design materials and products associated with remodeling and building a new home (e.g. counter tops, cabinets, hardscape materials, appliances, etc.). This was deemed to maintain the same legal-nonconforming design studio use.
- Steven's Design occupied the front two buildings (Buildings A and C) in 20XX and was deemed to be compliant with the existing nonconforming design center/studio use.

Uses Noted from 2000 Variance Request

- Ladies Clothing Store in Building C. Hours of 9 am – 5 pm on Monday through Saturday.
- Flower Shop in Building A. 2-4 employees. Hours of 9 am – 5 pm on Monday through Friday and 9 am – 2 pm on Saturday.
- Morse Studio of Interior Design and Antiques in all three buildings. 7-13 employees. Hours of 9 am – 5 pm weekdays with occasional evening and weekends. Average of 10 - 15 groups per day and up to 25 groups in the winter season.
- PV Design Center in all three buildings. Hours of 9 am - 5 pm Monday through Friday and hours of 9 am – 3 pm on Saturday. Occasional use on Sundays via pre-arranged meetings. 3 employees and 27 parking spaces on site.
- Stevens Design center was in the front buildings (Buildings A and C). Hours of XYZ.

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Exhibit K

Zoning Group

Heather Dukes, Esq
Attorney

Noel J. Griemsmann, AICP
Sr. Urban Planner

Cody White
Urban Planner

Taylor N. Moran
Urban Planner

Paola Jaramillo
Assistant Planner

From: Phil McClanahan
To: Jill Keimach
Cc: Paul Michaud
Subject: PROPOSED NEW TENANTS FOR 5203 E. LINCOLN DRIVE
Date: Monday, July 20, 2020 8:23:53 AM

EXTERNAL

Good Morning. After much reflection on our meeting of July 16, I wanted to take the opportunity to clarify and/or address some of the issues that were discussed prior to your Development meeting today.

First of all, I am the sole owner of the property on Lincoln Drive. Ownership is legally divided between my personal trust and the trust for my children. I have been involved with the property as a minority owner since 2006, assuming majority ownership in 2009 and full ownership in 2012. Since assuming majority ownership of the property eleven (11) years ago, I have worked diligently and cooperatively with the Town during the transformation of the property for numerous tenants and the basic use has never changed .

All tenants that have occupied any of the buildings under my ownership have provided home services and home products as detailed in the NARRATIVE presented in our July 16th meeting. Products and services have included home building , home remodeling, interior design, antique and new furniture sales, consignment furniture and accessories sales, appliance showroom and sales, a flower shop, and home finish products.
During 2017, a cooking school was approved by the Town for the two buildings fronting Lincoln Drive. This use failed to materialize due to lack of agreement among the various owners of the business.

Also, as stated in the NARRATIVE, there are records of a dress shop that occupied the North West Building as well as the Hague showcase of homes and real estate office.

Both of the proposed new Tenants, Premier Title and the Karas Group will provide ESSENTIAL HOME SERVICES as detailed in the NARRATIVE and do not increase any of the Intensity Factors described in section 2306
of the Towns ARTICLE XXIII NONCONFORMANCE Zoning Ordinance. Actually, there will be no large delivery vehicles for the proposed Tenants that was necessary for the furniture delivery/pick-up required by
several previous Tenants. This will reduce significantly item 9 of the Intensity Factors "larger vehicles on site"

I would like to re-emphasize the extreme difficulty in attempting to locate a "brick and mortar" tenant whose primary business would fit the narrow guideline for boutique furniture sales or other furnishings as the
current health crisis and economic issues has reduced their businesses to the point where they are struggling to pay their rent or are closing their business entirely.

After review of the history of uses on the property and the applicable zoning code of the Town, I trust you will agree with me the uses proposed for the new Tenants is a continuation of use and not a change in use.

Thanks to both of you for your time and consideration of the Proposed New Tenants. Please contact me if additional questions or concerns arise.

Snell & Wilmer

Understanding what makes *you* unique.®

Zoning Group

Heather Dukes, Esq
Attorney

Noel J. Griemsmann, AICP
Sr. Urban Planner

Cody White
Urban Planner

Taylor N. Moran
Urban Planner

Paola Jaramillo
Assistant Planner

Exhibit L

CivTech

October 28, 2020

Registered Professional Engineer (Civil)
CERTIFICATE NO. 35879
DAWN D. CARTIER
Date Signed 10.28.2020
ARIZONA, U.S.A.

Heather N. Dukes
Snell & Wilmer L.L.P.
One Arizona Center
Phoenix, Arizona 85004-2202

RE: Trip Generation Comparison and Parking Analysis – 5205 East Lincoln Drive Town of Paradise Valley, Arizona

Dear Ms. Dukes:

Thank you for engaging CivTech to prepare this Trip Generation Comparison and Parking Analysis for the property in the Town of Paradise Valley. The property is located at 5205 East Lincoln Drive on the south side of East Lincoln Drive, 210 feet west of 52nd Place. An exhibit depicting the existing conditions of the property is provided as **Attachment 1**.

Background and Purpose

The property is currently zoned as Single-Family Residential District (R-43) and has been developed as a commercial retail center. The property has been continuously utilized as a variety of retail, office, and sales space at least as far back as 1982 when the property was annexed into the Town of Paradise Valley. The continued commercial use of the property is considered legally non-conforming as defined by the *Town of Paradise Valley Ordinance Article 23 – Nonconformance*.

Existing Conditions

Currently Building A and Building C, the northmost buildings, are unoccupied after receiving storm related damage. Building B, the southmost building, is currently occupied by BedBrock Developer as a showroom for custom luxury homes.

CivTech conducted a site visit on Thursday October 28th 2020. The number and configuration of the site parking was recorded. The site contains 27 parking spaces, one (1) of which is an Americans with Disabilities Act (ADA) compliant parking space. The front of the lot, in front of Building A and Building C contains 9 spaces, 3 of which are unmarked. The back of the lot, nearer to Building B, contains 18 spaces, 5 of which abut Building B. The parking lot can be accessed from Lincoln Drive by a single unrestricted access point 210 feet west of 52nd Place and adjacent to the east property boundary. A pedestrian path and bridge connect the back of lot to the front of lot without travel through the parking or driving areas. An exhibit showing the existing parking configuration is attached.

Proposed Use

New tenants of Building A and Building C intend to utilize the buildings. The tenant for and use of Building B is to remain unchanged.

Building A. The Karas Group intends to utilize the 1,024 square foot Building A to showcase luxury homes and related design products. Additionally, Building A will act as a Town of Paradise Valley information and welcome center. No real estate transactions will be conducted in the building. A staff of two to four (2-4) employees is expected.

Building B. BedBrock Developer is planned to remain in the 1,929 square foot Building B with four (4) employees in their showroom and will continue to operate as previously approved by the Town.

Building C. Premier Title Agency intends to utilize the 1,478 square foot Building C as office space for their luxury division. A staff of four (4) employees is expected. The title agency will generate minimal traffic given the luxury market emphasis together with the company's mobile notary and electronic services offered to its customers.

Trip Generation

The potential weekday and weekend trip generation for the proposed development was estimated utilizing the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10th Edition* and *Trip Generation Handbook, 3rd Edition*. The ITE *Trip Generation Manual* contains data collected by various transportation professionals for a wide range of different land uses. The data are summarized in the report and average rates and equations have been established that correlate the relationship between an independent variable that describes the development size and generated trips for each categorized land use. The report provides information for daily and peak hour trips.

ITE's land use code 820, Shopping Center has an abundance of studies documenting the vehicles generated per 1,000 SF. ITE utilized the data to derive weighted average rates and fitted curve equations to calculate the vehicles generated per 1,000 SF on an average weekday, weekend day, AM peak hour, PM peak hour and weekend peak hour of the generator. Typically, the methodology provided by ITE requires the use of the fitted curve equation when R^2 is greater than 0.5 and there are more than 4 data points observed. As such, trips generated by a shopping center land use typically utilize the fitted curve equations. The data collected to derive these equations has only a few observations that were of a small retail size comparable to the size of this development. It appears that the rates provided are impacted by the large retail developments in the data collected, causing the fitted curve equation to overestimate trips generated by small retail developments. This is apparent in both the ADT and in the AM peak hour rates. As the prior retail use for this study was of small size, the fitted curve equations would be expected to unrealistically overestimate trip generation. The average rate was applied for the retail use within the trip generation. The showroom uses were analyzed using the per employee rate of LUC 820.

The anticipated trip generation is summarized in **Table 1** for the weekday daily, AM and PM peak hours. The weekend trip generation summarizing the daily and peak hour trips is summarized in **Table 2**.

Table 1 – Weekday Trip Generation

Land Use	ITE Code	ITE Land Use Name	Quantity Units+	AM Distribution		PM Distribution	
				In	Out	In	Out
Prior Use							
Bldg. A and Bldg. C (Retail)	820	Shopping Center	2.502 KSF	62%	38%	48%	52%
Bldg. B (Showroom)	820	Shopping Center	4 Employees	64%	36%	50%	50%
Proposed Use							
Bldg. C (Office)	712	Small Office Building	4 Employees	84%	16%	35%	65%
Bldg. A and Bldg. B (Showroom)	820	Shopping Center	8 Employees	64%	36%	50%	50%

Land Use	ADT		AM Peak Hour				PM Peak Hour			
	Avg. Rate	Total*	Avg. Rate	In	Out	Total	Avg. Rate	In	Out	Total
Prior Use										
Bldg. A and Bldg. C (Retail)	37.75	94	0.94	1	1	2	3.81	5	5	10
Bldg. B (Showroom)	16.11	64	0.55	1	1	2	1.62	3	3	6
Totals Trips		158		2	2	4		8	8	16
Proposed Use										
Bldg. C (Office)	7.98	32	0.97	3	1	4	1.03	2	3	5
Bldg. A and Bldg. B (Showroom)	16.11	130	0.55	3	1	4	1.62	7	6	13
Totals Trips		162		6	2	9		9	9	18
Difference (Proposed – Prior)		**4**		**4**	**0**	**5**		**1**	**1**	**2**

Notes: * Total ADT trips rounded to the nearest even whole number.
+ KSF = 1,000 square feet

CALCULATIONS (Equations shown only where applicable)			
Land Use [Units]	*Daily*	*AM Peak Hour*	*PM Peak Hour*
Prior Use			
Retail [2.502 KSF]	$T_{Day} = 2.502 \times 37.75 = 94$	$T_{AM} = 2.502 \times 0.94 = 2$	$T_{PM} = 2.502 \times 3.81 = 10$
Showroom [4 Employees]	$T_{Day} = 4 \times 16.11 = 64$	$T_{AM} = 4 \times 0.55 = 2$	$T_{PM} = 4 \times 1.62 = 6$
Proposed Use			
Office [4 Employees]	$T_{Day} = 4 \times 7.98 = 32$	$T_{AM} = 4 \times 1.05 = 4$	$T_{PM} = 4 \times 1.22 = 5$
Showroom [8 Employees]	$T_{Day} = 8 \times 16.11 = 128$	$T_{AM} = 8 \times 0.55 = 4$	$T_{PM} = 8 \times 1.62 = 13$

The proposed property use is anticipated to generate 162 weekday daily trips, 5 trips during the AM peak hour, and 18 trips during the PM peak hour. This is 4 more daily trips, 5 more AM peak hour trips, and 2 more PM peak hour trips as the prior use. The weekday AM peak hour is expected to occur between 7:00 AM and 9:00 AM; the exact hour could only be determined by counting actual traffic at the site and can vary from day to day. Likewise, the weekday PM peak hour is expected to occur between 4:00 PM and 6:00 PM; the exact hour could only be determined by counting actual traffic at the site and can vary from day to day.

Table 2 – Weekend Trip Generation

Land Use	ITE Code	ITE Land Use Name	Quantity Units+	Weekend Distribution	
				In	Out
Prior Use					
Bldg. A and Bldg. C (Retail)	820	Shopping Center	2.502 KSF	52%	48%
Bldg. B (Showroom)	820	Shopping Center	4 Employees	52%	48%
Proposed Use					
Bldg. C (Office)	712	Small Office Building	4 Employees	50%	50%
Bldg. A and Bldg. B (Showroom)	820	Shopping Center	8 Employees	52%	48%

Land Use	Weekend ADT		Weekend Peak Hour of Generator			
	Avg. Rate	Total*	Avg. Rate	In	Out	Total
Prior Use						
Bldg. A and Bldg. C (Retail)	46.12	116	4.50	6	5	11
Bldg. B (Showroom)	19.68	80	1.92	4	4	8
Totals Trips		196		10	9	19
Proposed Use						
Bldg. C (Office)	0.86	4	0.20	1	0	1
Bldg. A and Bldg. B (Showroom)	19.68	158	1.92	8	8	16
Totals Trips		162		9	5	17
Difference (Proposed - Prior)		**-34**		**-1**	**-4**	**-2**

Notes: * Total ADT trips rounded to the nearest even whole number.
+ KSF = 1,000 square feet

CALCULATIONS (Equations shown only where applicable)		
Land Use [Units]	*Weekend Daily*	Weekend Peak Hour of Generator
Prior Use		
Retail [2.502 KSF]	$T_{WD} = 2.502 \times 46.12 = 115$	$T_{WG} = 2.502 \times 4.50 = 11$
Showroom [4 Employees]	$T_{WD} = 4 \times 19.68 = 79$	$T_{WG} = 4 \times 1.92 = 8$
Proposed Use		
Office [4 Employees]	$T_{WD} = 4 \times 0.86 = 4$	$T_{WG} = 4 \times 0.20 = 1$
Showroom [8 Employees]	$T_{WD} = 8 \times 19.68 = 158$	$T_{WG} = 8 \times 1.92 = 16$

The proposed property use is anticipated to generate 162 weekend daily trips, with 17 trips during the weekend peak hour. This is 34 fewer daily trips and 2 fewer weekend peak hour trips as the prior use. The weekend peak hour is expected to occur between 10:00 AM and 2:00 PM; the exact peak hour would require traffic counts for more precise determination.

Historical information provided to the Town regarding the actual daily trips generated by the prior showroom uses suggest that these anticipated daily trips derived from the ITE data and equations are overestimated and will be lower than projected. Showroom uses are seasonal with reduced traffic and customers during the summer months.

Parking Requirements

Section 6 of the Town of Paradise Valley's Special Use Permit (SUP) Guidelines apply to several uses and provide parking requirements for "Professional Offices". Item 3a specifies that 1 parking space is to be provided for each 300 SF of office space (Building C). Item 3b allows that these requirements can be modified by a traffic and parking analysis such as this document.

Section 7 of the Town of Paradise Valley's SUP Guidelines apply to Country Club and Golf Courses but provide parking requirements for "retail sales area". Item 3a specifies that 1 parking space is to be provided for each 300 SF of sales area (Building A and Building B). Item 3b allows that these requirements can be modified by a traffic and parking analysis such as this document. Parking requirements by building for their proposed uses are shown in **Table 3**.

Table 3 – Parking Requirements

Building – Land Use	Area / Employees	Requirement	Parking Spaces Calc (Rounded)
A – Showroom	1,024 S.F./ 4 Employees	1 for 300 S.F. 1 for 1 Employee	3.4 (4) 4.0 (4)
B – Showroom	1,929 S.F./ 4 Employees	1 for 300 S.F. 1 for 1 Employee	6.4 (7) 4.0 (4)
C – Office	1,478 S.F./ 4 Employees	1 for 300 S.F. No Employee Req.	4.9 (5) 0.0 (0)
Total(1)	**4,431 S.F. 12 Employees**		**22.7 (24)**

(1) Rounded to the nearest whole number.

A total of 24 spaces are required per the Town's SUP guidelines when each use is rounded up to the next nearest whole number. As noted above, 27 spaces are currently provided at the site giving a surplus of 3 spaces. A maximum of 4 customer parking spaces would be required for Building A; up to 7 customer parking spaces would be required for Building B. Employee parking for Buildings A, B and C would be on the back of the lot nearer to Building B. Customer parking for Building B would be provided in the back of lot, near to Building B. No opportunity for shared parking between land uses is anticipated and no shared parking reduction was considered.

Proposed Parking

A parking plan (attached) has been prepared for the site which conforms to the Town's 180 square foot standard per space. Twenty-four spaces can be accommodated on-site, another three spaces have been noted as being available with additional striping or with some modifications to existing planter areas. There are six spaces available at the front of Buildings A and C; three in front of or adjacent to Building A and three in front of Building C, including one ADA space. This accommodates all but one customer space for Building A and three of four customer spaces for Building C. The additional customer spaced needed for Buildings A and C will be located near Building B. There is an existing pedestrian walkway connecting the back southern parking area to the front buildings. As previously mentioned, all of the employee parking for Buildings A, B and C will be located at the south portion of the property nearer to Building B.

ADA Compliance

The site provides 1 ADA compliant space in front of Building C, near to Building A. The number of spaces required by the Americans with Disabilities Act of 1990 (ADA) is given in Table 208.2 of the *2010 ADA Standards for Accessible Design*. For facilities that provide from 26 to 50 parking spaces, two (2) spaces must be ADA-compliant spaces. The single ADA compliant parking space in front of Building C and near to Building A should be maintained and a second ADA compliant parking space should be added in front of Building B. This second ADA compliant parking space should be placed in front of Building B on the most level ground close to the accessible entrance and an accessible route must always be provided from the accessible parking to the accessible entrance of Building B per ADA guidelines.

Conclusions and Recommendations

From the above, the following can be concluded:

- The property has been continuously utilized as a variety of retail, office, and sales space at least as far back as 1982 when the property was annexed into the Town of Paradise Valley. The continued commercial use of the property is considered legally non-conforming as defined by the *Town of Paradise Valley Ordinance Article 23 – Nonconformance*.

- The tenant for and use of each building is:

    - *Building A*. The Karas Group intends to utilize the 1,024 square foot Building A to showcase luxury homes and relates home design products. Additionally, Building A will act as a Town of Paradise Valley information and welcome center. No real estate transactions will be conducted in the building. A staff of two to four (2-4) employees is expected.

    - *Building B*. BedBrock Developer is planned to remain in the 1,929 square foot Building B with four (4) employees in their showroom and will continue to operate as previously approved by the Town.

    - *Building C*. Premier Title Agency intends to utilize the 1,478 square foot Building C as office space for their luxury division. The title agency will generate minimal traffic given the luxury market emphasis together with the company's mobile notary and electronic services offered to its customers. A staff of four (4) employees is expected.

- The proposed property use is anticipated to generate 162 weekday daily trips, 5 trips during the AM peak hour, and 18 trips during the PM peak hour. This is 4 more daily trips, 5 more AM peak hour trips, and 2 more PM peak hour trips as the prior use. The weekday AM peak hour is expected to occur between 7:00 AM and 9:00 AM, the weekday PM peak hour is expected to occur between 4:00 PM and 6:00 PM.

- The proposed property use is anticipated to generate 162 weekend daily trips, with 17 trips during the weekend peak hour. This is 34 fewer daily trips and 2 fewer weekend peak hour trips as the prior use. The weekend peak hour is expected to occur between 10:00 AM and 2:00 PM.

- A total of 24 spaces are required per the Town's SUP guidelines. As noted above, 27 spaces are currently provided at the site. A parking plan prepared for the site using the Town's parking space standards indicate that 24 spaces are available on site with the potential to provide an additional 3 spaces for a potential of 27 spaces. This would provide a surplus of 3 spaces should all of the optional parking be provided. ADA compliant spaces must account for two (2) of these spaces.

- Should a second ADA compliant parking space need to be added, it should be placed in front of Building B on the most level ground close to the accessible entrance and an accessible route must always be provided from the accessible parking to the accessible entrance of Building B per ADA guidelines.

Thank you for allowing CivTech to assist you with this Trip Generation Comparison and Parking Analysis. Please contact me with any questions you may have on this analysis.

Sincerely,

CivTech

Dawn Cartier, P.E., PTOE
President

Attachments (1) – Comment Responses, Existing Conditions Exhibit, Proposed Conditions Exhibit

5205 Lincoln Drive, Paradise Valley **CivTech, Inc.** **Review Comments & Responses**

1st Submittal

Disposition Codes: (1) Will Comply (2) Will Evaluate (3) Delete Comment (4) Defer to Consultant/Owner

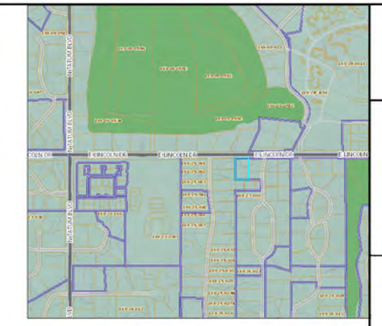
Reviewer Name, Agency: **Kimberly Carroll, P.E. PTOE Sr Traffic Engineer Kimley-Horn**

Item	Review Comment	(Code) & Response
1.	**Page 3, Table 1 - Remove total acreage row if it is not used.**	(1) Table has been reformatted to remove unused row.
2.	**Page 3, Table 1 - In general, ADT trip generation calculations should be rounded up to the nearest even integer to account for round trips. Revise accordingly.**	(1) Table and report text updated with ADT values rounded to an even whole number.
3.	**Page 3, Table 1 - Add Building B (Showroom) calculations for prior use in the table.**	(1) Table 1 and Table 2 updated to include separate Prior Use and Proposed Use equations.
4.	**Page 3, Table 1 - Fix average rates used for propsed Building C (LUC 712) AM and PM peak hours.**	(1) Table 1 updated with correct rates; 1.05 AM and 1.22 PM.
5.	**Page 3, Table 1 - Remove asterix for derivation of rates. It appears that only average rates were utilixed for this statement and regression equations were not used.**	(1) Asterix for this note removed from Table.
6.	**Page 3, Parking Requirements - Specify which buildings are being referenced in each paragraph (i.e. Building A and B are classified as retail sales, Building C is classified as professional office.)**	(1) Text has been added to two paragraphs to clarify which buildings fall under which section of the TOPV SUP.
7.	**Page 4, Table 2 - Employee parking is not included with these parking requirements. Per TOPV SUP, 1 space per employee should be included in the calculations.**	(1) Calculations and coorisponding text has been updated to include a 1 space per retail employee requirement.
8.	**General - It should be noted that there aren't many opportunities to share a parking supply based on complementary parking demand in the AM and PM hours. All land uses are similar to each other and will likely have the same peak hour.**	(1) Text noting that shared parking was not considered has been added.
9.	**Existing Conditions Exhibit - It's hard to verify the existing parking suppy with the figure provided. Please provide some form of clar**	(1) Site visit conducted and existing parking space count verified.

CivTech

Reviewed Date: 10-26-202(
CivTech Received Date: 10-27-202(
CivTech Entered Date: 10-27-202(
CivTech Response Date: 10-28-202(

EXISTING CONDITIONS AT
5205 EAST LINCOLN DRIVE IN PARADISE VALLEY, ARIZONA



VICINITY MAP
NOT TO SCALE

NOTES

SITE ADDRESS: 5205 EAST LINCOLN DRIVE
APNS: 169-27-027
PROPERTY SIZE: 0.79 NET ACRES +/-

EXISTING ZONING: R-43

EXISTING BUILDING SQ. FT:*
BUILDING A: 1,024 SQ. FT..
BUILDING B: 1,929 SQ. FT.
BUILDING C: 1,478 SQ. FT.
*SQ. FT. PER MARICOPA COUNTY ASSESSOR'S OFFICE RECORDS

TOTAL PARKING SPACES: 27*
*PER APPLICANT'S NARRATIVE DATED JULY 16, 2020

Table 3 – Parking Requirements

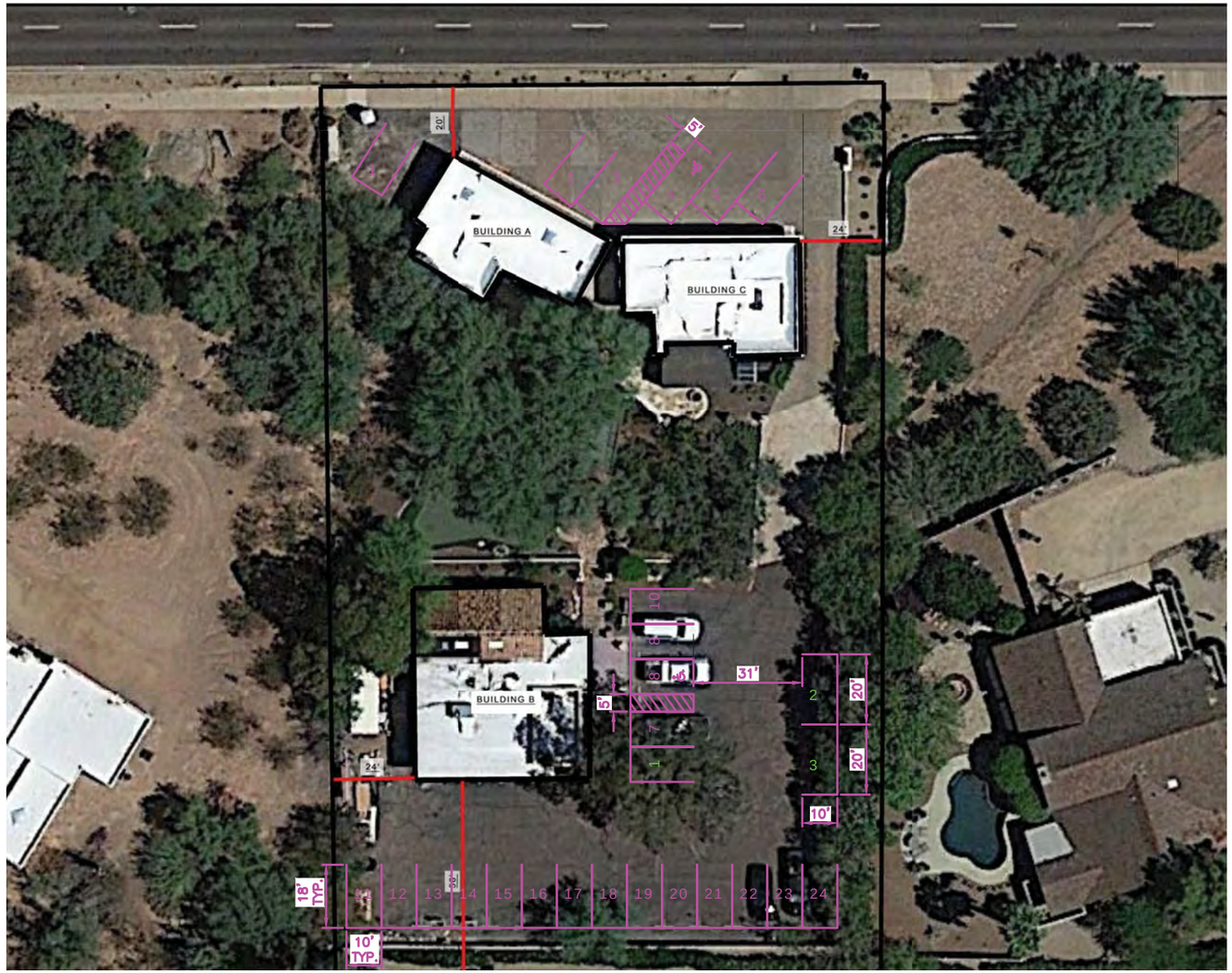
Building – Land Use	Area / Employees	Requirement	Parking Spaces
A – Showroom	1,024 S.F./ 4 Employees	1 for 300 S.F. 1 for 1 Employee	3.413 4.000
B – Showroom	1,929 S.F./ 4 Employees	1 for 300 S.F. 1 for 1 Employee	6.430 4.000
C – Office	1,478 S.F./ 4 Employees	1 for 300 S.F. No Requirement	4.927 0.000
Total(1)	**4,431 S.F. 12 Employees**		**23**

(1) Rounded to the nearest whole number.

ADA compliant parking space

General parking space

*MEASUREMENTS ARE APPROXIMATE



LEGEND

PARKING SPACES REQUIRED

OPTIONAL PARKING SPACES

Building – Land Use	Area / Employees	Requirement	Parking Spaces Calc (Rounded)
A – Showroom	1,024 S.F./ 4 Employees	1 for 300 S.F. 1 for 1 Employee	3.4 (4) 4.0 (4)
B – Showroom	1,929 S.F./ 4 Employees	1 for 300 S.F. 1 for 1 Employee	6.4 (7) 4.0 (4)
C – Office	1,478 S.F./ 4 Employees	1 for 300 S.F. No Employee Req.	4.9 (5) 0.0 (0)
Total(1)	**4,431 S.F. 12 Employees**		**22.7 (24)**

(1) Rounded to the nearest whole number.

N

0 10' 20' 40'

CivTech Inc.
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info@civtech.com

5205 EAST LINCOLN DRIVE DEVELOPMET

PARADISE VALLEY, AZ

PARKING CONCEPT

PRELIMINARY NOT FOR CONSTRUCTION

JOB NO:	20-1220
1ST SUBMITTAL:	10/28/2020
2ND SUBMITTAL:	
3RD SUBMITTAL:	
DESIGN:	B. SELBY
DRAWN:	S. CROKER
CHECKED:	D. CARTIER

CALL AT LEAST TWO FULL WORKING DAYS BEFORE YOU BEGIN EXCAVATION.
ARIZONA 811
Arizona Blue Stake, Inc.
DIAL 8-1-1 OR 1-800-STAKE-IT (782-5348)
IN MARICOPA COUNTY: (602) 263-1100

SHEET
PC01
01 OF 01

Z:\Civtech\Projects\20-1220 5205 Lincoln - Snell and Wilmer Traffic and Parking Statement\Dwg
October 28, 2020 - 8:04pm