

Commerce Park Landlord Seeks

The Anthem Community Council cries foul. Neighboring businesses are un-



By Rebecca I. Allen

Citing concerns of potential unsavory neighbors and harm to their businesses, some Anthem Commerce Park occupants are upset with a landlord's plan to rezone four buildings, some half-empty, to allow for a broader range of tenants.

And, the Anthem Community Council has accused Phelps Properties LLC, owner of the buildings, of not seeking prior approval before applying to Phoenix for rezoning of 42101 and 42201 N. 41st Drive. Pulte and council representatives believe the council is legally entitled to prior approval of any rezoning in the master planned community.

Several owners of businesses in the commerce park said they did not receive proper notification from Phelps of the request for a rezoning from a

commerce park designation (CP) to a commercial (C2) designation.

The property owner's attorney maintains they mailed the requisite letters to owners within 600 feet of the 9.7-acre site on 41st Drive south of Anthem Way. The Phoenix planning department also erected a large sign with rezoning case meeting dates in front of the two adjoining properties in November, as required by city ordinance.

Community Council Permission Required?

Steve Peterman, executive director of Anthem Community Association, said the council did not receive notice of the rezoning as nearby landowners (it owns a strip of land within the notification area), nor as Anthem's quasi-governmental body, (the sales documents stipulate prior

ks Rezoning

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approval from the Council for all rezoning within Anthem.)

“The purchase contract has a continuing obligation, which means even if they didn’t purchase the land first, it continues through ownership,” said Jacque Petroulakis, a spokesperson for Pulte, which bought Del Webb, the developer of Anthem, in 2001 and maintains control of the Anthem Community Council. “They need to seek approval prior to any zoning application.”

A lawyer for Phelps said Pulte has no such authority over the rezoning.

“Pulte is out of it,” said K. Scott McCoy, an attorney with the Phoenix law firm Earl, Curley & Lagarde. “There is no obligation to notify Pulte.”

Peterman disagrees and maintains Phelps should have given them a heads up on their plans.

“This is not a contentious fight,” he said. “We’re not trying to fight C2 zoning, *per se*, we’re just trying to get our voice heard on possible uses that may not be appropriate for Anthem.”

Process Unaffected by Conflict

Regardless of what happens between Phelps and the Anthem Community Council, or Pulte, Phoenix can continue with the rezoning case.

“A private entity, like Pulte, doesn’t have purview rights

over a city rezoning,” said Alan Stephenson with the Phoenix Planning Department. “That’s between them. The rezoning is between the property owner and the city.”

Rezoning Broadens Potential Tenants

The Anthem Commerce Park Business Owners Group met with the property owner’s attorney and Phoenix city staffers Jan. 16 to get clarification the proposed rezoning and discuss rumors

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If You Go

Phoenix City Council Meeting

Rezoning of 42101 and 42201 N. 41st Drive, Phoenix (Anthem)
5:00 p.m., Feb. 7
City Council Chambers
200 W. Jefferson St., Phoenix

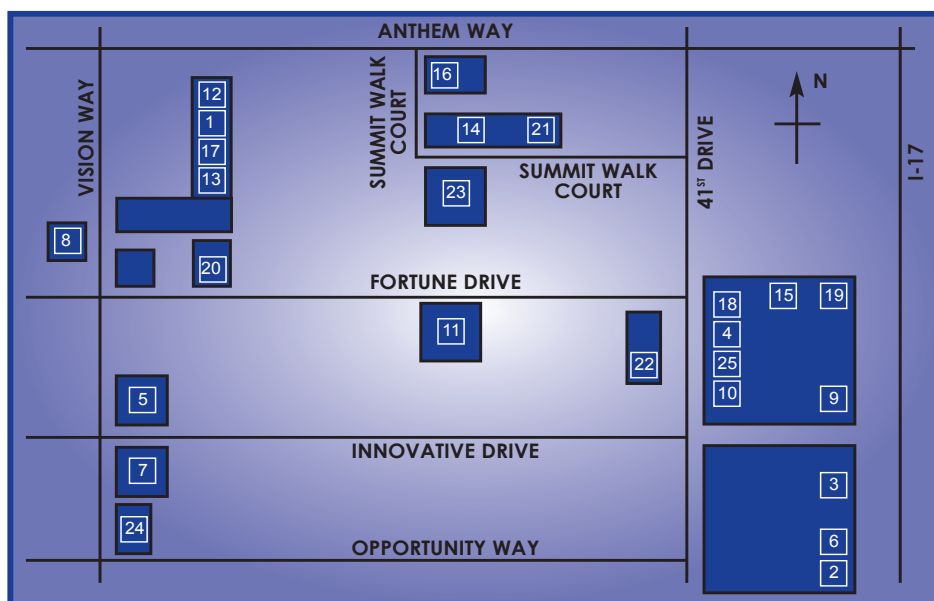
The hearing is open to the public. Interested parties can attend, fill out a card indicating support or opposition to the rezoning and, if desired, speak before the council.

Time and date subject to change. For updated information on agenda items, visit <http://phoenix.gov/CITYGOV/MEETINGS/index.html> or call (602) 262-7131, reference Z-129-06-1

Where it's at....

anthem COMMERCE PARK

West of I-17, South of Anthem Way



- | | | |
|------------------------------------------------------------------------------------------|-----------------------------------------------------------|--------------------------------------------------------------|
| 1. \$1.75 Cleaners
(623) 551-1443 | 9. Farmers Insurance Group
(623) 551-1111 | 17. Salon Eclectic
(623) 551-1262 |
| 2. Anthem Pet Medical Center
(623) 889-7090 | 10. Garden Angel Tea Room
(623) 551-9583 | 18. Scrapbooks to Remember
(623) 551-9322 |
| 3. Counseling / Hypnotherapy
(623) 810-1640 | 11. Gutowski Cabinet Works, Inc.
(623) 465-5802 | 19. Sleep Source
(623) 551-4553 |
| 4. Curves Fitness of Anthem/New River
(623) 551-5100 | 12. Maricopa Spas & BBQ's
(623) 551-7533 | 20. Sonoran Desert Pet Resort, LLC
(623) 551-5299 |
| 5. C&R Tire & Complete Automotive
(623) 551-6255 | 13. Mathnasium
(623) 551-MATH | 21. Thomas Charles Fine Art Gallery
(623) 582-4500 |
| 6. Dolly Rockers Salon
(623) 879-6969 | 14. Nationwide Insurance
(623) 551-5400 | 22. Titan Pest Control
(623) 879-8700 |
| 7. DonMar Furniture
(623) 551-7413 | 15. Nu Image Salon & Spa
(623) 551-2093 | 23. Tobias Automotive
(623) 742-7400 |
| 8. Econo Lube 'N Tune & Brakes (Complete Automotive Repair)
(623) 551-0033 | 16. Pathways Christian Bookstore
(623) 551-1004 | 24. Tradewinds Mechanical, Inc.
(623) 587-7793 |
| | | 25. Twin Pediatrics
(623) 551-9825 |

*If you are interested in having your business listed in this ad,
please e-mail ACPBOA@hotmail.com for more information.*

of a pool hall and hookah bar as prospective new tenants. Current zoning would not allow for such establishments, commercial zoning would.

Stephen Goodman, co-owner of Mathnasium, a tutoring center, said such a use would be contrary to the current atmosphere of the commerce park.

"We've got parents and kids here; we're open until 7 p.m.," Goodman said. "We're concerned about the element that could be coming in nearby."

McCoy said he spoke with his client, property owner Shannon Phelps, who said she knew of no such proposal for a pool hall or hookah lounge.

"We have no intention of leasing to a pool hall," McCoy said.

Other objections at the meeting, attended by about 20 members of the group, came from business owners in the Commerce Park who paid a premium for lots that already have commercial zoning.

"I paid 40 percent more because I was the only C2 lot left," Andy Tobias, owner of Tobias Automotive, told the group.

Other business owners expressed concerns about whether their companies would be allowed to stay in their current facilities if the zoning changed. Commercial zoning allows most of the same uses as the current commerce park zoning.

A call to Phelps' attorney to ascertain whether all 30 tenants were allowed under commercial zoning was not returned prior to press time.

"If C2 (zoning) is approved, and anybody in there is no longer an allowed use, they wouldn't be allowed in that building," Stephenson said. "It'd be up to the owner to decide to terminate the lease."

The Phoenix City Council will hear the rezoning case Feb. 7. Donna Gutowski, owner of Gutowski Cabinets and chair of both the Anthem

Commerce Park Business Owners Association and the Anthem Commercial Properties Committee, urges business owners to take note of development and rezoning issues in Anthem.

"Pay attention to what's going on in your neighborhood," Gutowski said. "If you get something in the mail look at it, don't just toss it and think someone else is going to deal with it." **io**

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The Planning of Phoenix: A Primer

In Phoenix's planning process, the city is divided into 15 urban villages, the area of Anthem on the West side of I-17 is in the North Gateway Village; Its planning committee's meetings, held monthly, are usually the first public hearing for zoning cases.

Visit <http://phoenix.gov/PLANNING/vpcommmtt.html> for more information.

Agendas for all city public meetings are posted on the city's Web site, at <http://phoenix.gov/PUBMEETC/indxhtml.html>, at least 24 hours before meetings. Usually the village planning committee agendas are posted several days before the meeting.

Village planning committee members are volunteers appointed by the City Council members or the mayor. Its recommendations are passed up to the Phoenix Planning Commission, also appointed

volunteers. The City Council, comprised of eight elected council members, one from each city district, and the mayor, has final say on all zoning. The council usually ratifies planning commission decisions, unless appealed or a City Council member moves the item from the consent agenda to the regular agenda where it can be discussed at a council meeting.

Who to contact:

Dave Siebert, Phoenix City Councilman, district 1, (602) 262-7444, council.district.1@phoenix.gov.

The North Gateway Village Planning Committee usually meets at 6:30 p.m. the second Thursday of the month at Goelet A. Beuf Community Center, Classroom 101, 3435 West Pinnacle Peak Road, Phoenix. Visit <http://phoenix.gov/PLANNING/vpngate.html> for more information. **io**