



Planning Department

(541) 535-2050 Fax (541) 535-5769

112 W 2nd Street/PO Box 330, Phoenix, OR 97535

MODIFICATION APPLICATION

File No. _____

Fee \$350.00

NOTICE TO APPLICANT: Applicants are advised to review the list of submittal requirements indicated on each application form prior to submitting an application. **Incomplete applications will not be acted upon or scheduled for a public hearing until the Planning Department receives all required submittal materials and fees. Failure to provide complete and/or accurate information may result in delay or denial of your request.**

Original case file number SP 16-03 Date of approval 10/24/16 & MA23-01 3/17/23

Minor Modification (Type II)

Minor Modification (Type III)

APPLICANT Rogue Innovation LLC dba Phoenix Industrial Studios
Mailing address 4495 South Pacific Hwy #100, Phoenix, Oregon 97535
Phone (541) 488-8840 Fax _____ Email RogueWater@mind.net
Applicant's interest in property Member/Manager

Signature

Date June 7, 2023 rev July 22, 2023

PROPERTY OWNER same as applicant

Signature SAME Date _____

If same as applicant, mark SAME. If there is more than one property owner, please attach additional sheets as necessary.

SITE LOCATION AND DESCRIPTION

Tax Map #(s) 38S 1W 15B 1400 Zoning C-H Commercial Highway

Frontage street or address 4495 South Pacific Hwy Nearest cross street Oak St

Describe proposed modification(s) to original approval.

- 1) Construct a 2-story building of approximately 1,920 ft² of conditioned space (960 ft² / floor x 2 floors) in the location of the site management/maintenance and security/caretaker residence previously approved per SP16-03, and subsequently eliminated or relocated per MA23-01. Occupancy groups would be B or F-1 on the 1st floor (management office and maintenance shop or commercial space), and R on the 2nd floor (security/caretaker residence). This building would replace structures of approx. the same area (2,386 ft²) and uses destroyed by the Almeda fire.
- 2) Revise locations of previously approved (SP16-03 & MA 23-01) food trucks (or other service/sales kiosks or mobile units) and common-area restrooms.
- 3) Construct an approximately 200 ft² utility structure for thermal and physical protection of water systems.

SUBMITTAL REQUIREMENTS

The following items must be received in order to deem an application complete and schedule it for a hearing before the Planning Commission. If you need assistance completing the forms, please contact the Planning Department.

1. Original, signed **Application form**. This information is public record and must be reproduced so please type or write clearly using dark ink.
2. All information required above and below, unless specifically waived by the Planning Director.
3. The appropriate **fee**.
4. **1 copy** of all submittal materials is sufficient for all Type II Minor Modifications.
5. **7 copies** of all submittal materials for all Type III Major Modifications.
6. **Please submit a PDF of all supplemental materials.**

OFFICE USE ONLY.

This institution is an equal opportunity provider and employer.

120 day time limit	Accepted as complete _____	Final decision by _____
DLCD 45-day notice required	Y/N Date mailed _____	Date of first hearing _____
Planning Commission hearing date	_____	Notice mailed _____
Notice to media	Publication date _____	Emailed _____
Notice of Decision	Date mailed _____	Appeal deadline _____
Associated applications	_____	

City of Phoenix Land Development Code

Chapter 4.6 – Modifications to Approved Plans and Conditions of Approval

4.6.1 – Purpose

The purpose of this Chapter is to provide an efficient process for modifying land use decisions and approved development plans, in recognition of the cost and complexity of land development and the need to conserve City resources.

4.6.2 – Applicability

- A. This Chapter applies to all development applications approved through the provisions of Chapter 4, including:
 - 1. Site Design Review approvals;
 - 2. Subdivisions, Partitions, and Lot Line Adjustments;
 - 3. Conditional Use Permits;
 - 4. Planned Unit Developments; and
 - 5. Conditions of approval on any of the above application types.
- B. This Chapter does not apply to land use district changes, text amendments, temporary use permits, or other permits.

4.6.3 Major Modifications

- A. **Major Modifications Defined.** The Planning Director shall determine that a major modification is required if one or more of the changes listed below are proposed:
 - 1. A change in land use, if new use will adversely impact adjoining properties or if no prior permit exists;
 - 2. An increase in the number of dwelling units;
 - 3. A change in the type and/or location of access ways, drives, or parking area that affect off-site traffic;
 - 4. An increase in the floor area proposed for non-residential use by more than 10 percent where previously specified;
 - 5. A reduction of the area reserved for common open space and/or usable open space so long as the resulting area satisfies the minimum open space requirement as established by the original approval;
 - 6. A reduction to specified setback requirements by more than 10 percent, or to a degree that the minimum setback standards of the land use district cannot be met; or
 - 7. Changes similar to those listed in 1-6, which are likely to have an adverse impact on adjoining properties.
- B. **Major Modification Request.** An applicant may request a major modification as follows:
 - 1. If the Planning Director determines that the proposed modification is a major modification, the applicant shall submit an application for the major modification.
 - 2. The modification request shall be subject to the same review procedure (Type I, II, or III) and approval criteria used for the initial project approval; however, the review shall be limited in scope to the modification request. For example, a request to modify a parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated pathways, lighting, and landscaping. Notice shall be provided in accordance with the applicable review procedure.
 - 3. If no prior permit exists, the modification request shall be subject to the same review procedure (Type I, II or III) and approved

4.6.4 – Minor Modifications

- A. **Minor modification defined.** Any modification to a land use decision or approved development plan that is not within the description of a major modification as provided in Chapter 4.6.3 – Major Modifications, above, shall be considered a minor modification.
- B. **Minor Modification Request.** An application for approval of a minor modification is reviewed using Type II procedure in Chapter 4.1.4 – Type II Procedure (Administrative). A minor modification shall be approved, approved with conditions, or denied by the Planning Director based on written findings on the following criteria:
 - 1. The proposed development is in compliance with all applicable requirements of the Development Code; and
 - 2. The modification is not a major modification as defined in Chapter 4.6.3 – Major Modifications.

Electronic submittals to accompany this application form are encouraged. All text submittals should be provided in a Microsoft Word document; plans and other images should be formatted as a PDF.

The application will not be scheduled for a hearing until deemed complete.

Use additional sheets if necessary.

Chapter 4 – Applications and Review Procedures

§4.1.4 – Type II Procedure (Administrative)

B. Application requirements

1. *Application Forms.* Type II applications shall be made on forms provided by the Planning Department;
2. *Submittal Information.* The application shall:
 - a. *Include the information requested on the application form;*

Yes.

- b. *Be filed with two copies of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making;*

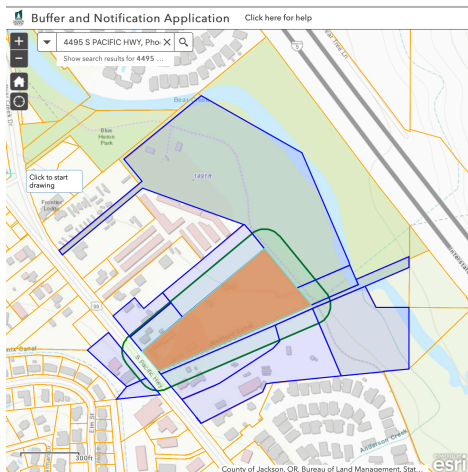
Please see narrative statement below.

- c. *Be accompanied by the required fee;*

Yes.

- d. *Include two sets of mailing labels for all real property owners of record who will receive a notice of the application as required in Chapter 4.1.4 – Type II Procedure (Administrative), Section C. The records of the Jackson County Department of Assessment and Taxation are the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list;*

Parcels comprised of any portion within 100 feet from subject site are mapped below. Mailing labels by City of Phoenix. Source: Jackson Co ESRI Buffer and Notification, December 15, 2022.



- e. *Include an impact study for all land division applications. The impact study shall quantify/assess the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where this Code requires the dedication of real property to the City, the applicant shall either specifically agree to the dedication requirement, or provide evidence that shows that the real property dedication requirement is not roughly proportional to the projected impacts of the development.*

Not applicable.

Explanation of satisfaction of relevant criteria:

This request is for a Minor Modification per Phoenix LDC § 4.6.4. and § 4.6.3.A. Three site plans are attached for reference: the previously approved site plans (SP 16-03 and MA23-01); and the proposed site plan subject to approval of this Minor Modification.

§4.6.4 – Minor Modifications

A. Minor modification defined. Any modification to a land use decision or approved development plan that is not within the description of a major modification as provided in Chapter 4.6.3 – Major Modifications, above, shall be considered a minor modification.

B. Minor Modification Request. An application for approval of a minor modification is reviewed using Type II procedure in Chapter 4.1.4 – Type II Procedure (Administrative). A minor modification shall be approved, approved with conditions, or denied by the Planning Director based on written findings on the following criteria:

1. The proposed development is in compliance with all applicable requirements of the Development Code; and

The proposed development, including proposed modifications, would be in compliance with applicable requirements of the Phoenix Land Development Code effective the date of application and payment of fees.

2. The modification is not a major modification as defined in Chapter 4.6.3 – Major Modifications.

The proposed modification fits the definition of Minor Modification. That is, the proposed modification is not within the description of a Major Modification, which is reviewed in detail below.

§4.6.3.A. – Major Modification Defined

§4.6.3.A.1. – Change of land use with adverse impacts

There would be no change in land use. Uses and other attributes would remain as proposed per site review application dated August 29, 2016 and September 29, 2016, approved per Final Order dated October 24, 2016, and modified per MA23-01 on March 17, 2023.

§4.6.3.A.2. – Increase in number of dwelling units

There would be no increase in the number of dwelling units. The number of dwelling units (2) would remain as previously approved.

§4.6.3.A.3. – Change in type and/or location of access or parking areas that affect off-site traffic

Hwy 99 access was previously constructed, inspected and approved by ODOT, and is not being modified. There would be no change in the type or location of access. Modifications to location of a portion of internal drives and parking would have no foreseeable affect to off-site traffic. Accessways, drives, and parking would remain substantially as proposed per site review application dated August 29, 2016 and September 29, 2016, approved per Final Order dated October 24, 2016, and modified per MA23-01 dated March 17, 2023.

§4.6.3.A.4. – Increase in non-residential floor area >10%

Non-residential floor area will not be increased by more than 10%. The original approval (SP16-03) was for 46,785 ft² of floor area. MA23-01 approved the option to reduce floor area by 3,008 ft², to approximately 43,777 ft². With this proposed modification, the gross floor area would be increased by approximately 1,920 ft² to approximately 45,697 ft². The propopsed floor area would be less than the originally approved floor area.

§4.6.3.A.5. – Reduction in common space

There would be no reduction in area reserved for common open space and/or usable open space as compared to the approved site plan.

§4.6.3.A.6. – Reduction in setbacks >10%

§ 2.4.3.B. – Yard Setbacks

§ 3.2.2.M. – Vision Clearance

The shifting of building footprints would not encroach on any required setback. There are no minimum setbacks in the CH zone, except for vision clearance, which is not affected.

§4.6.3.A.7. – Changes likely to adversely impact adjoining properties

There is no indication of potential adverse impacts to adjoining properties. Uses would remain as proposed per site review application dated August 29, 2016 and September 29, 2016, approved per Final Order dated October 24, 2016, and modified per MA23-01.

Chapter 2 – Land Use Districts

Details relevant to compliance with Phoenix LDC Section 2.4.3 – Development Standards, and LDC Section 2.4.4 – Architectural Guidelines and Standards, would remain substantially as approved.

§2.4.4 – Architectural Guidelines and Standards

§2.4.4.A. Architectural Continuity and Quality

New and remodeled buildings may have their own architectural style but there must be some architectural continuity with the other structures located within the area. All building designs located within the Commercial Highway District must be of a high architectural quality and shall incorporate the following:

- 1. Continuous building walls of greater than 50 feet shall be avoided. Breaks in the wall plane shall be incorporated into the building design.*

The proposed building (#200) would have a façade length of 48 feet and depth of 20 feet, plus covered porches.

- 2. Entrances to the buildings shall be clearly defined architecturally. Entrances shall include decorative pavement treatments in order to tie into the parking lot pedestrian circulation systems.*

Newly constructed buildings would include covered porch entries similar to recently constructed buildings.

- 3. Exterior building materials shall be of high quality and shall be selected based upon their weathering properties. Generally, materials such as stucco, brick, or masonry block should be used for exterior walls.*

Newly constructed buildings would repeat the schematic design of recently constructed buildings, with covered porches, roll-up loading doors, and storefront glazing. The shell structure would include shipping containers in place of concrete block.

- 4. When the building is part of a larger complex, continuity of materials and design shall be required.*

The proposed building would combine the materials and design of recently constructed principal buildings and utility structures/containers approved per MA23-01 to resist capillary movement of moisture from an integrated vertical nursery.

Chapter 3 – Design Standards (selected subsections)

§3.2.2. – Vehicular Access and Circulation

§3.2.2.K. - Fire Access and Parking Area Turn-arounds

The site's internal vehicle driveway would include a 70' x 120' hammerhead as shown on the attached site plan.

The site's pathway between the asphalt-paved vehicle driveway and the Bear Creek Greenway is designed for use by emergency vehicles, bicycles, and pedestrians for access between the site and the Greenway. This pathway is not intended for regular use by private vehicles; removable bollards will delineate. The existing decomposed granite pathway supported heavy use by emergency vehicles and service equipment during the Alameda Fire and aftermath, and continues to be used by Phoenix Police, Code Enforcement, and other public agency vehicles. For the purpose of providing reliable access for emergency vehicles, this pathway shall be maintained to support loads of not less than 62,000 pounds, with a clear width of 14 feet. Surface materials will be decomposed granite, which was approved by Fire District 5. Decomposed granite, graded to fair with adjacent surfaces, would meet design criteria for multi-use pathways per §3.2.3.A.5.a.

§3.2.2.M. - Vision Clearance.

There would be no change to Hwy 99 access. Vision clearance would not be affected by proposed modifications.

§3.2.2.N. Construction. *The following development and maintenance standards shall apply to all driveways and private streets:*

1. *Surface Options. Driveways, parking areas, aisles, and turn-arounds may be paved with asphalt or concrete surfacing. Paving surfaces shall be subject to review and approval by the Building Official.*

Driveways, parking, maneuvering areas for vehicles will be paved with asphalt.

2. *Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles, and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with City standards.*

Subject to proposed modifications, the impervious surface area of the site would decrease by approximately 19,528 ft², from 134,580 ft² to 115,052 ft². Planted area would increase by 31,247 ft², from 77,415 ft² to 108,662 ft². Stormwater destination, quantity, and quality would be as originally designed. Artificial surfaces of the site's existing and future constructions will drain to an onsite facility designed for stormwater detention, treatment, infiltration, evapotranspiration, and reuse. Please see attached calculations of impervious and pervious areas.

§3.4.3 – Vehicle Parking

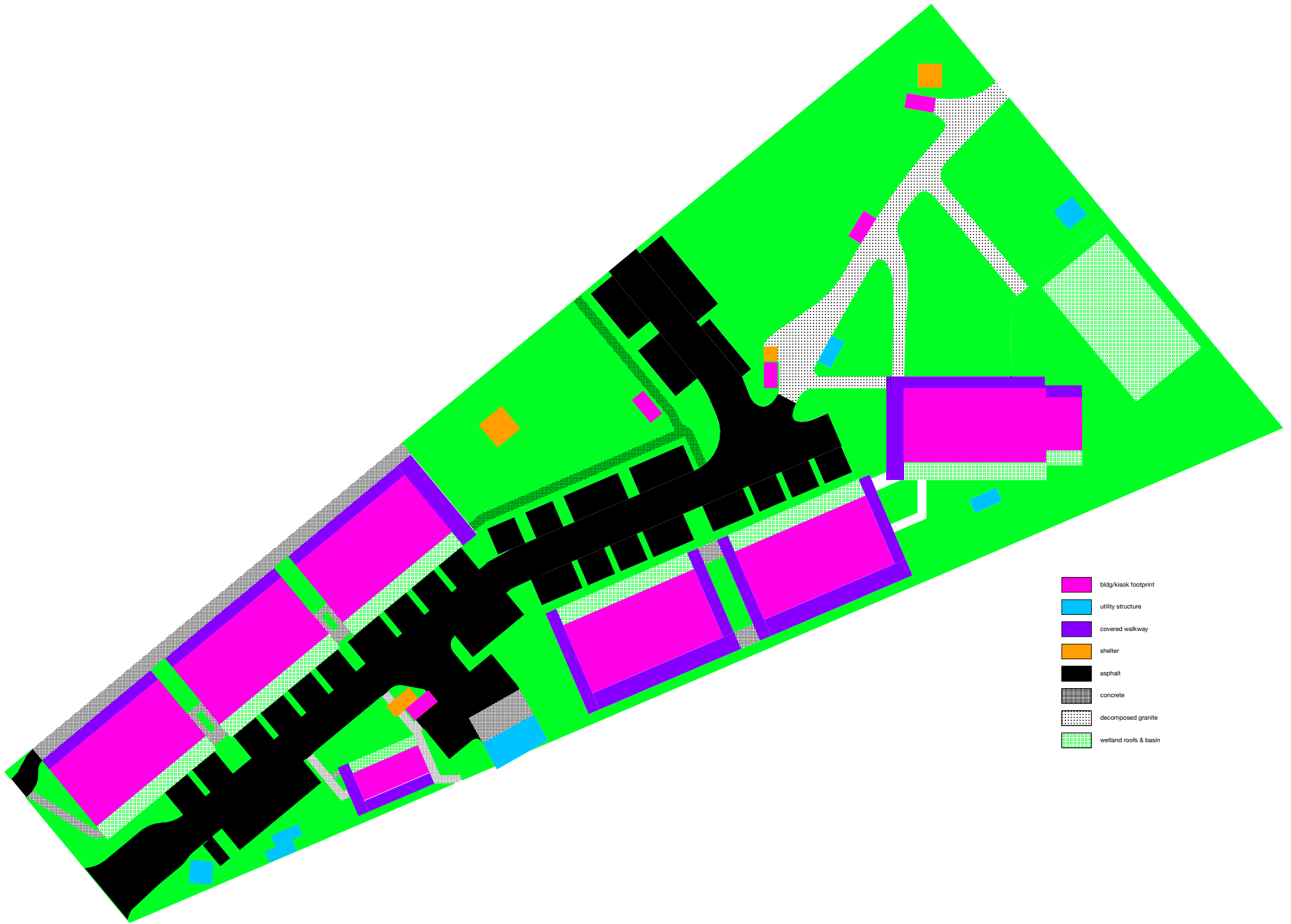
Vehicle parking was previously approved for a minimum of 98 spaces and a maximum of 103 spaces. There is no proposed modification to the number of approved parking spaces. Vehicle parking spaces would measure not less than 9 ft x 19 ft. There shall be not less than 4 accessible parking spaces as provided by Section 1106 of the Oregon Structural Specialty Code (2022). Drive aisles for access to vehicle parking would have a minimum width of 24 feet.









§3.4.4 – Bicycle Parking

Existing improvements include 24 bicycle parking spaces (~1:1,800 ft²) in a covered structure with bike racks, self-service repair tools, and security monitoring.

§3.2.3.A. – Pedestrian Access and Circulation

A pathway system extends throughout the site, providing a direct connection for pedestrians and bicycles between Hwy 99 and the Bear Creek Greenway, and a convenient connection to Blue Heron Park. Pathways within the site provide ADA-accessible routes between building entrances, services, parking, common areas, and neighboring land uses.

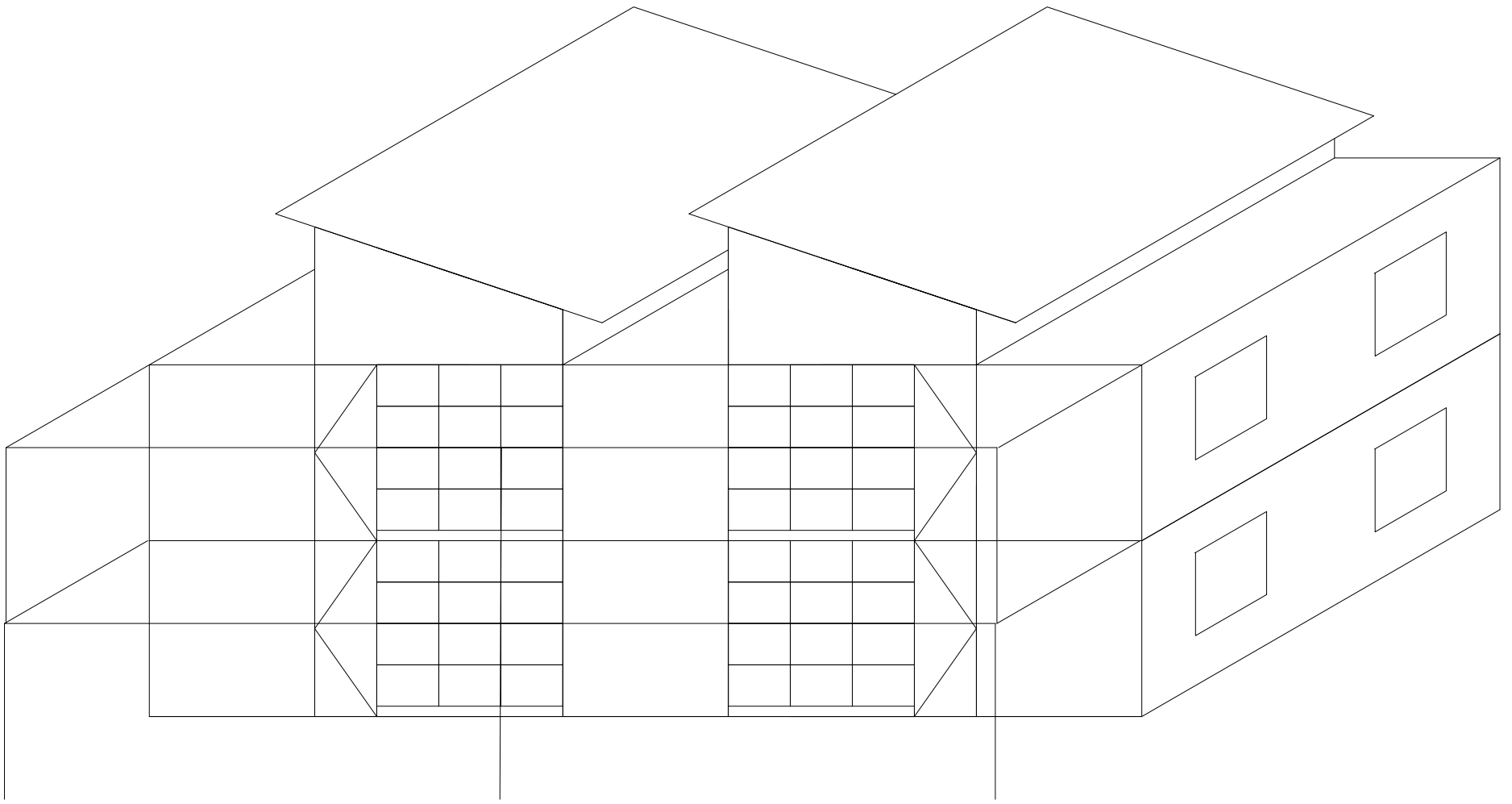


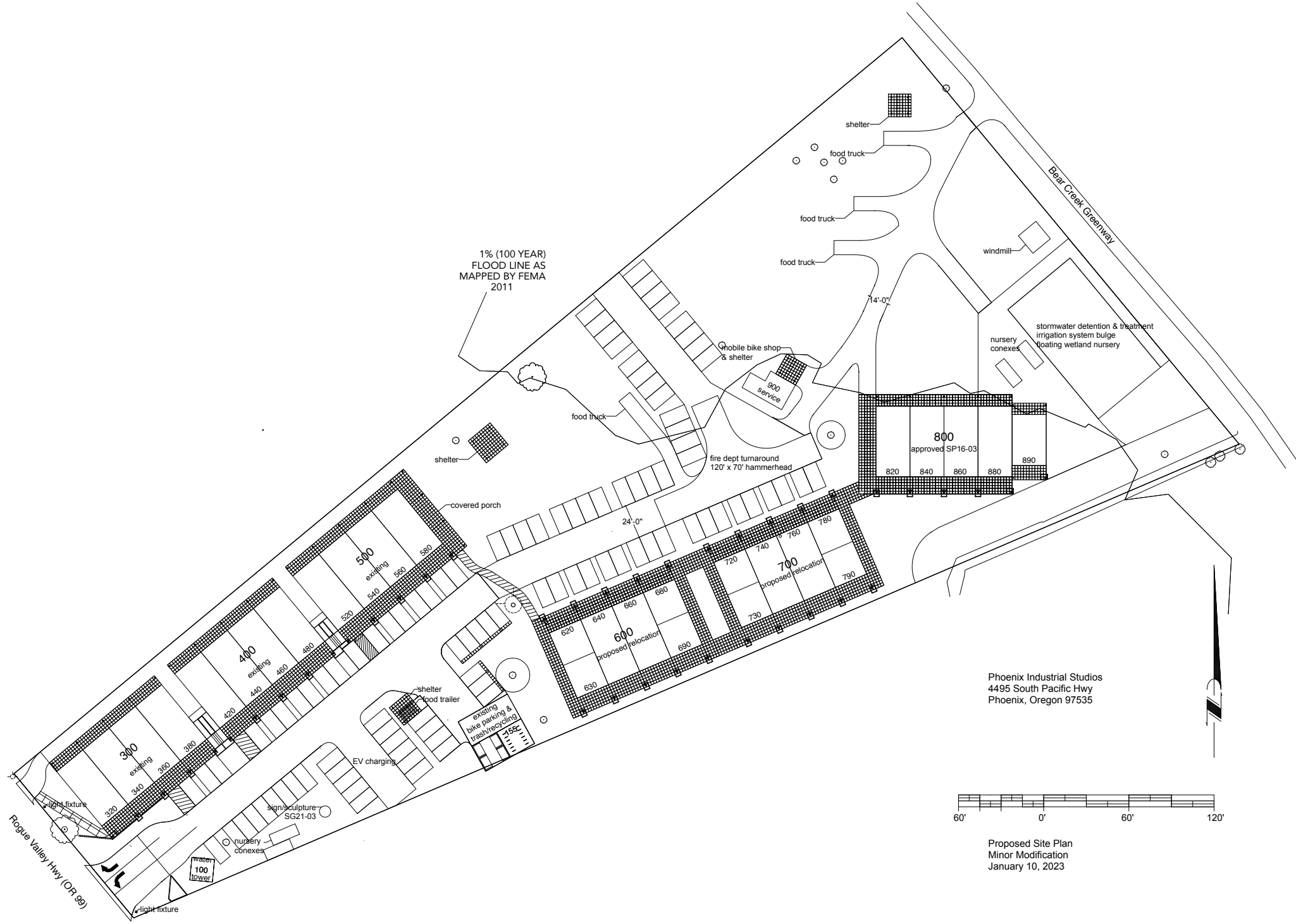
-  bldg/kiosk footprint
-  utility structure
-  covered walkway
-  shelter
-  asphalt
-  concrete
-  decomposed granite
-  wetland roofs & basin

Phx Ind Studios area estimates
 July 22, 2023

description	approved SP16-03		approved MA23-01		estimated area MA23-03			
	area (ft2)	percent	area (ft2)	percent	existing	proposed	total (ft2)	percent
net developable site	204,795	100%	204,795	100%			204,795	100%
impervious								
buildings footprint	36,945	18%	32,289	16%	14,400	16,224	30,624	15%
utility structures					1,050	976	2,026	1%
covered walkways & porches, shelters	14,928	7%	19,336	9%	4,197	10,824	15,021	7%
asphalt (driveways, parking)	57,672	28%	51,090	25%	18,426	19,336	37,762	18%
other concrete flatwork	22,184	11%	22,184	11%	264	733	997	0%
reserved for hardscape (≤20% landscape, minus flatwork)					1,847	16,319	18,166	9%
decomposed granite (utility, service access, patios)	4,681	2%	9,681	5%	3,240	7,216	10,456	5%
subtotal, impervious	136,410	67%	134,580	66%	43,424	71,628	115,052	56%
planted								
landscape, gardens, nursery, riparian	68,385	33%	70,215	34%	10,553	85,261	95,814	47%
wetland roofs & floating wetland nursery	9,240	5%	7,200	4%	3,452	9,396	12,848	6%
subtotal, planted	77,625	38%	77,415	38%	14,005	94,657	108,662	53%
overlap								
wetland roofs / covered porches	(9,240)	-5%	(7,200)	-4%	(3,452)	(3,796)	(7,248)	-4%
hardscape reserve					(1,847)	(10,719)	(12,566)	-6%
subtotal, overlap					(5,299)	(14,515)	(19,814)	-10%
total	204,795	100%	204,795	100%	52,130	151,770	203,900	100%
error							895	0%

unit #	description	use	use					parking			
			area (ft2)					recommended		maximum	
			footprint	mezzanine (potential addt'l)	mezzanine (existing or planned)	2nd story	subtotal potential floor area	average ratio (1:ft2)	quantity (rounded)	105%	
100	service (constructed)										
	water tower (previously #105)	U (utility)	225				225	0	-		
200	bike parking, recycle, trash (prev. #155)	U	800				800	0	-		
	subtotal - service		1,025		-		1,025		-		
220	ground floor	business <50	960				960	500	2		
240	upper floor	R (caretaker residence)				960	960	2	2		
	subtotal - bldg 200		960		-	960	1,920		4		
	bldg 300 (constructed)										
320		business <50	1,200	400			1,600	500	3		
340		business <50	1,200	400			1,600	500	3		
360		F-1, B, M	1,200	400			1,600	500	3		
380		F-1, B, M	1,200	400			1,600	500	3		
	subtotal - bldg 300		4,800	1,600	-		6,400		12		
	bldg 400 (constructed)										
420		F-1, B, M	1,200	400	-		1,600	500	3		
440		F-1, B, M	1,200	400	-		1,600	500	3		
460		F-1, B, M	1,200	400	-		1,600	500	3		
480		F-1, B, M	1,200	400	-		1,600	500	3		
	subtotal - bldg 400		4,800	1,600	-		6,400		12		
	bldg 500 (constructed)										
520		F-1, B, M (mgmt & maint)	1,200	400	-		1,600	500	3		
540		A-2	1,200	400	-		1,600	100	16		
560		A-2	1,200	400	-		1,600	100	16		
580		A-2	1,200	200	200		1,600	100	16		
	subtotal - bldg 500		4,800	1,400	200		6,400		51		
	bldg 600										
620/630		F-1, B, M	1,200		-		1,200	500	2		
625		R (security residence)			-	1,200	1,200	500	2		
640		F-1, B, M	1,200		400		1,600	500	3		
660		F-1, B, M	1,200		400		1,600	500	3		
680		F-1, B, M	1,200		400		1,600	500	3		
	subtotal - bldg 600		4,800		1,200	1,200	7,200		13		
	bldg 700										
720		F-1, B, M	1,200		400		1,600	500	3		
740		F-1, B, M	1,200		400		1,600	500	3		
760		F-1, B, M	1,200		400		1,600	500	3		
780790		F-1, B, M	1,200				1,200	500	2		
785		B				1,200	1,200	500	2		
	subtotal - bldg 700		4,800		1,200	1,200	7,200		13		
	bldg 800										
820		F-1, B, M	1,200		400		1,600	500	3		
840		F-1, B, M	1,200		400		1,600	500	3		
860		F-1, B, M	1,200		400		1,600	500	3		
880		F-1, B, M	1,200		400		1,600	500	3		
890		F-1, B, M	864		288		1,152	500	2		
	subtotal - bldgs 800		5,664		1,888		7,552		14		
	bldg 900										
900	shelters	ancillary multi-purpose	1,056				1,056				
	service	restrooms, utility	544				544				
	subtotal - bldg 900		1,600		-		1,600		-		
	subtotal above (per proposed modification)										
			33,249	4,600	4,488	3,360	45,697				
									119	125	
									98	103	
									98	103	
									98	103	



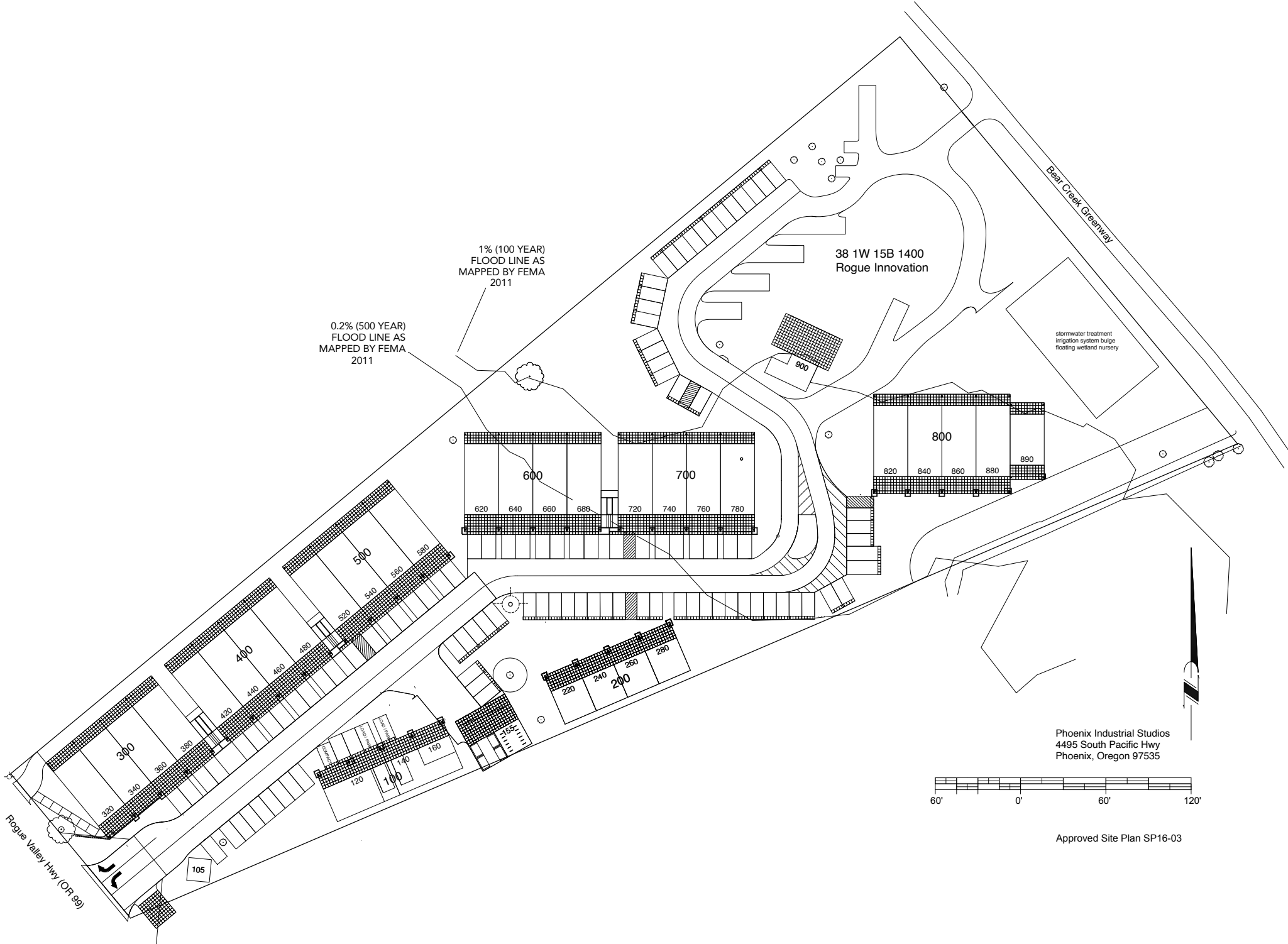


Phoenix Industrial Studios
 4495 South Pacific Hwy
 Phoenix, Oregon 97535



Proposed Site Plan
 Minor Modification
 January 10, 2023





1% (100 YEAR)
FLOOD LINE AS
MAPPED BY FEMA
2011

0.2% (500 YEAR)
FLOOD LINE AS
MAPPED BY FEMA
2011

38 1W 15B 1400
Rogue Innovation

Bear Creek Greenway

stormwater treatment
irrigation system bulge
floating wetland nursery

Rogue Valley Hwy (OR 99)

Phoenix Industrial Studios
4495 South Pacific Hwy
Phoenix, Oregon 97535



Approved Site Plan SP16-03