

# GAMMAGE & BURNHAM, PLC

ATTORNEYS AT LAW

40 NORTH CENTRAL AVENUE

20TH FLOOR

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September 28, 2022

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City of Phoenix  
Planning & Development Department  
200 West Washington Street, 3<sup>rd</sup> Floor  
Phoenix, AZ 85003

Re: 3441 Grand Avenue  
Height Waiver Request

To Whom it May Concern:

Our firm represents Drake Switching Company LLC, ("Drake Switching"), the owner of a narrow 3.56-acre parcel located at the southeast corner of 35<sup>th</sup> Avenue and Grand Avenue ("Property"), adjacent to the BNSF rail line, as highlighted on the aerial to the right and attached at *Exhibit A*.



The Property is currently zoned A-2, which allows for heavy industrial uses. Drake Switching would like to develop and operate a materials transfer facility (the "Project"), while taking advantage of the existing rail line located along its southwest boundary as show in the Site Plan attached at *Exhibit B*. This use is allowed by right within the A-2 Zoning District per Section 628 and is compatible with surrounding industrial and heavy commercial uses as shown on *Exhibit C*.

Drake Switching is proposing to construct a rail and truck terminal for the storage, loading, unloading, and transfer of cementitious materials. Cementitious materials are defined as cement, fly ash, natural pozzolan or any mix of these three. Rail cars containing cement powder will enter the Property using the existing BNSF rail line and unload powder into silos using a pumped pneumatic system. The Project will have three (3) of these steel silos, which will store the cementitious materials received from the incoming rail cars. Trucks will arrive at the Property empty. The cementitious material will then be released from the silos into the trucks for delivery to offsite manufacturing facilities. No manufacturing or mixing of cement will occur on the Property.

Per the Phoenix Zoning Ordinance, the silos are subject to a building height limitation of 56 feet. In order to provide adequate clearance for rail cars, the silos must be elevated at least 22 feet about the rail line. The loading equipment and storage tank sit another 79 feet on top of this clearance space. After the addition of the necessary structural reinforcement, the silos will reach a rim height of 110 feet with an additional 10 feet of mechanical equipment. Our request is to rezone the Property from A-2 to A-2 Height Waiver, to allow for the increase in height allowance from 56 feet to 120 feet (the "Request"). See conceptual elevations at *Exhibit D*. In order to mitigate the appearance of the silos, we will work with the District 4 counsel office on the design of several murals to be placed on the silos.

Enclosed with this letter are required application materials as set forth in the City's rezoning submittal checklist. Please let us know if you require additional information to address the Request. Otherwise, we look forward to discussing the Request with City staff and respectfully request your support for this proposal.

Sincerely,  
GAMMAGE & BURNHAM, P.L.C.

A handwritten signature in blue ink that reads "Ashley Z. Marsh". The signature is written in a cursive, flowing style.

By  
Ashley Z. Marsh

# EXHIBIT A





AERIAL MAP

# EXHIBIT B



80° 40' 0" 80° 160°



DATE			ARCHITECTURE ENGINEERING CONSTRUCTION MANAGEMENT MECHANICAL CONTRACTING
SEP 22			
SEP 22			
SEP 22			

CIVIL  
CONCEPTUAL SITE PLAN



**UNITY MAP**  
NOT TO SCALE

1. PROPERTY ADDRESS: 3441 NW GRAND AVENUE  
PHOENIX, ARIZONA 85017
2. APN: 108-02-064K & 109-02-065L
3. ZONE AREA: A2 INDUSTRIAL
4. LOT SIZES: NO
5. LOT SHAPES: NO
6. NO FREE HYDRANTS ARE LOCATED ON THIS SITE.
7. PARKING SPACES REQUIRED: 1 SPACE PER 1.5 WORKERS
8. PARKING SPACES PROVIDED: 7 SPACES
9. SITE ACREAGE:  
GROSS=1.56 ACRES  
NET=3.56 ACRES  
TOTAL DISTURBED AREA=3.56 ACRES

9. TOTAL DISTURBED AREA=3.56 ACRES

# EXHIBIT C

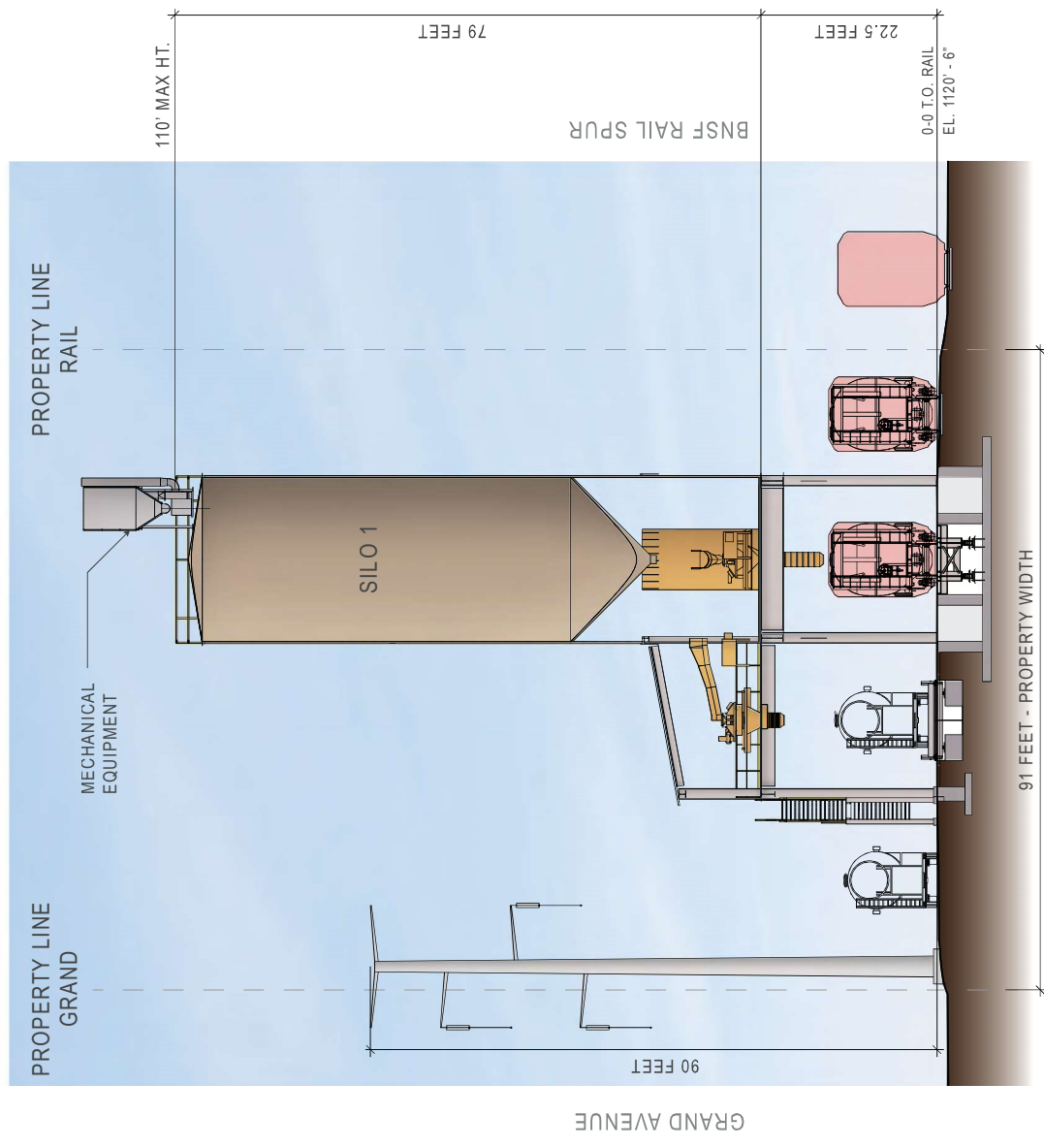




SURROUNDING USES MAP



# EXHIBIT D



**CONCEPT IMAGE**  
SECTION VIEW - SILO 1

**CONCEPT IMAGE**  
VIEW LOOKING SOUTHEAST





**CONCEPT IMAGE**  
VIEW LOOKING NORTHWEST

