

Land Use Planning and Zoning Practice

The firm has substantial depth and experience in addressing all facets of zoning and land use development. We advise clients with respect to rezonings, state land entitlements, condemnations, city and town general plan and county comprehensive plan amendments (both text and map), area plans, comprehensive master plans (PADs, PUD's, RUPDs, CUPDs), development agreements, annexation and pre-annexation development agreements, economic incentive agreements, overlay zoning districts, site plans, preliminary plats, final plats, use permits, special use permits, sign permits and comprehensive sign packages, zoning interpretations, master planned developments, historic preservation, conservation easements, hillside overlays, text and ordinance amendments, formation of community facilities districts and all other aspects of the zoning and land use legislative and administrative processes. The firm has experience in a full range of such matters, from zoning changes for commercial corners to master planning a 5,500-acre master-planned development community. In addition, the firm provides advice to private clients regarding subsequent stages of land use approvals, including referenda and zoning enforcement and land use litigation.

We service a broad spectrum of developers, lenders, syndicators, land owners, investors, home builders, municipalities, brokers, borrowers, contractors, residential and commercial landlords and tenants.

Indian Lands

We have significant experience working with Indian land jurisdictions including the Salt River Pima Maricopa Indian Community ("SRPMIC") and the Tohono O'odham Indian Community.

State Lands

The firm specializes in representing clients seeking to purchase, lease and entitle lands managed by the Arizona State Land Department for residential and commercial development and to acquire easements and rights of way over State Trust Lands for streets and access roads as well as for municipal and utility infrastructure lines. The firm also has significant experience analyzing and arguing State Land issues regulated by the Federal Enabling Act, the Arizona Constitution and Arizona State statutes.

Local Governments

The Zoning and Land Use Group has experience in numerous Arizona jurisdictions, including the Cities of Phoenix, Mesa, Glendale, Scottsdale, Chandler, Tempe, Peoria, Kingman, Tolleson, Tucson, Avondale, Goodyear, Lake Havasu City, Bullhead City, Yuma, Surprise, Apache Junction, Florence and Eloy; the Towns of Gilbert, Paradise Valley, Oro Valley, Buckeye and Cave Creek; and Maricopa, Pima, Pinal and Yavapai, Yuma and Coconino Counties.

Commercial

The firm serves as counsel for a national developer in connection with obtaining zoning and site plan approvals for retail shopping centers. Representation also includes securing zoning entitlements and site plan approvals for national retail chains.

The firm serves as counsel for a national pet care retailer in connection with securing entitlements for pet care sites, including securing approval of text amendments to allow for the development of pet resort facilities within a municipality and securing conditional use permits and site plan approvals for high-end pet care facility/spa, animal hospitals and animal eye clinics.

We have represented a municipality with the negotiation of a development agreement with the Arizona State Land Department, implementing a new process for the annexation, amendment of the general plan and rezoning of 1,310 acres of state land in preparation of a sale auction.

We have represented a regional retail developer in a 160 acre project amendment of the City General Plan from multi-family residential categories to a commercial category supporting retail uses.

The firm has represented an international automobile manufacturer in the re-entitlement of its holdings from an automobile proving ground facility to a residential master planned community. We also represented a national automobile dealer with the rezoning of one of its parcel in north Phoenix to an auto dealership use.

Our representation has included negotiation of purchase and sale agreements, finance documents and interpretation of municipal powers regarding rights of way and zoning and land use designations for large commercial centers.

We have represented numerous local, regional and national commercial industrial, retail and office developers with the commercial lease of numerous Arizona State Trust Land parcels offered at public auction. The scope of our representation has included the negotiation of the commercial lease document, acquisition and land use due diligence, the analysis of

entitlement and infrastructure issues, as well as public auction law and strategy.

Residential

Our Zoning And Land Use Group represented a national homebuilder in connection with the rezoning of its 234 acre parcel in north Phoenix for single and multi-family residential uses. We also represented a number of national homebuilders in their efforts to acquire residential parcels from the Arizona State Land Department. The scope of our representation has also included securing land use and zoning entitlements for mixed use, master planned and residential projects. Representation has included the negotiation of development financing, preparation of construction and sales contracts and preparation of development agreements.

Industrial

The firm has represented an international merchant power generation company in obtaining land use entitlements including a general plan amendment and special use permit for the development of a 1060 megawatt natural gas-fired combined-cycle power plant designed to serve electricity to the Southwest.

We served as counsel to a national retail distribution center for a large national operator of department stores in connection with the acquisition of property for the distribution center; negotiation of a development agreement providing for reimbursements and payments from the governing municipality; and securing zoning and site plan approvals.

We served as counsel for several commerce parks and industrial centers in connection with acquiring parcels, leasing and selling parcels and drafting easements. Representation also includes obtaining subdivision, zoning and site plan approvals from the governing municipalities.

We have substantial experience in preparation and negotiation of Municipal Right of Way License Agreements on behalf of private clients with the Cities of Phoenix and Tempe, Arizona and El Paso, Texas for the use of city right of way for fiber optic and conduit network and pipeline purposes.

Mixed Use

The firm serves as counsel for a national developer in connection with obtaining a major amendment to an existing Planned Area Development to allow for the development of a mixed use development including class A office space, office condominiums, retail pads and multi-story hotels.

Resort/Hotel

We represent an upscale national resort and hotel owner/operator with obtaining zoning and subdivision approvals necessary to allow for a major expansion of its resort hotel.

Master Planned Community

The firm has represented one of the nation's largest master planned community developers in connection with a residential master-planned community including over 5,000 acres of residential use, 600 acres of commercial use and 300 acres of mixed use property. This representation included assistance with the acquisition of the 5,000+ acre master-planned community; securing and analyzing land use and zoning entitlements and disposition of parcels to commercial and residential developers. Representation also included assistance with the issuance of special assessment revenue bonds to finance infrastructure improvements through a Community Facilities District.

We have been involved in representation of an automobile manufacturer in amending the General Plan designation for the 5,500 acre automobile proving ground facility from an industrial category to a mixed use residential master planned community.

Institutional

We serve as counsel to school districts in connection with obtaining property for school sites and rights of way from the Arizona State Land Department.

The firm has substantial experience in coordinating necessary land use, zoning, access and development approvals from the Arizona State Land Department and municipalities.

The Zoning and Land Use Group has served as counsel to a national elder care facility in connection with acquisition, disposition and re-financing of property acquired from Arizona State Land Department.

We serve as counsel to municipalities in obtaining and distributing stimulus funds under the American Recovery Reinvestment Act.

Members of our group serve as Zoning Adjustment Hearing Officers for municipalities and counties, conduct hearings and

issue rulings on use permits, variance requests and formal interpretations of the municipal and county zoning ordinances.

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