



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**Staff Report: Z-19-11-1**  
August 30, 2011

<b>Deer Valley Village Planning Committee Meeting Date</b>	September 15, 2011
<b>Planning Commission Hearing Date</b>	October 12, 2011
<b>Request From:</b>	C-1 (2.48 Acres)
<b>Request To:</b>	C-2 (2.48 Acres)
<b>Proposed Use</b>	Retail Commercial Center
<b>Location</b>	Northwest corner of Waltann Lane and 35th Avenue
<b>Owner</b>	Rein Family Investments - The Palms LLC
<b>Representative</b>	Lyle S. Richardson
<b>Staff Recommendation</b>	Approval subject to stipulations

General Plan Conformity			
<b>General Plan Land Use Designation</b>		Commercial	
<b>Street Map Classification</b>	35th Avenue	Major Arterial	60' half-street width
<b>LAND USE ELEMENT, GOAL 2:</b> EMPLOYMENT AND POPULATION BALANCE. This rezoning will encourage additional employment opportunities for the immediate neighborhood and will complement businesses located in the adjacent Deer Valley Employment Center to the east.			
<b>GROWTH ELEMENT: GOAL 1:</b> MAINTAIN A HIGH QUALITY OF LIFE AND ECONOMICALLY HEALTHY COMMUNITY. This rezoning will create additional employment opportunities for the Deer Valley Village.			
Area Plan			
N/A			

Surrounding Land Uses/Zoning		
	<u>Land Use</u>	<u>Zoning</u>
<b>On Site</b>	Retail Commercial Center	C-1
<b>North</b>	Commercial Offices	C-O
<b>South</b>	Retail Commercial Center	C-2
<b>East</b>	Multi-Family Residential	R-4
<b>West</b>	Multi-Family Residential	R-3A

<b>Commercial C-2 District – Intermediate Commercial</b>		
<b><u>Standards</u></b>	<b><u>Requirements</u></b>	<b><u>Provisions on the Proposed Site Plan</u></b>
Gross Acreage		2.48 gross acres
Off-Street Parking	88	99 (met)
Building Setback Street	25'	35th Ave – 41' (met) Waltann Ln – 26' (met)
Side	15'	North side – 7' (not met) West side – 5' (not met)
Landscape Setback Street	25'	35th Ave – 21' (not met) Waltann Ln – 6' (not met)
Side	10'	North side – 7' (not met) West side – 5' (not met)
Landscaped Planters	At the end of each row of parking and approximately every 110'.	Planters not at end of each row of parking or every 110'. (not met)
Interior Surface Area (exclusive of perimeter landscaping and all required setbacks)	Minimum 10%	Not indicated
Lot Coverage	50%	31.5% (met)
Building Height	2 story / 30' allowed	1 story, 23' (met)

**Background/Issues/Analysis**

1. This is a request to rezone a 2.48 acre shopping center from C-1 (Neighborhood Commercial) to C-2 (Intermediate Commercial) to allow for a greater range of potential users at the site. No site improvements are proposed as part of this rezoning request.
2. The site plan depicts three buildings on the property. Building “A” and “B”, as labeled on the site plan, are existing one story multi-tenant retail commercial buildings that consist of a total of approximately 12,322 square feet. Pad “C” is an existing one story commercial building that consists of approximately 3,222 square feet.

There are two points of access to this property, one from Waltann Lane and the other from 35th Avenue. The development provides 99 off-street parking spaces where 88 spaces are required. This results in a surplus of 11 parking spaces. No changes are proposed to the parking lot layout or to the site access points.

3. Along both Waltann Lane and 35th Avenue, there is an existing landscape setback that ranges in width from nine to 24 feet. This landscape setback consists of several small shrubs and mature trees. The existing conditions do not meet the landscape requirements for C-2 zoning, specifically the number of shrubs and trees within the setback. The Zoning Ordinance (Section 623.E.4.e) requires a minimum of two inch

caliper trees (50% of required trees), a minimum of three inch caliper trees (25% of required trees), and a minimum of four inch caliper trees (25% of required trees) in the landscape setback. The ordinance also requires a minimum of five (5) 5-gallon shrubs per tree. A stipulation requiring additional plant materials within the street setback areas has been added.

Four landscaped planter islands are located within the parking lot, each containing small shrubs. The Zoning Ordinance, Section 623.E.4.e, requires the interior surface area of parking lot areas (exclusive of perimeter landscaping and all required setbacks) to have a minimum of 10% landscaping. Landscaped planters should be located at the end of each row of parking and approximately every 110 feet. The interior surface area of the parking lot is currently below the 10% landscape requirement within the parking area and the existing landscape planters are not adequate to meet the landscape parking lot standard. The applicant is stipulated to provide shade trees in addition to the shrubs and ground covered required within the landscaped islands.

4. The Transit Department has no comments pertaining to this site since Waltann Lane is not an arterial street with an existing bus route.
5. The Water Services Department has stated that there are no water and/or sewer issues due to the existing infrastructure at the site.
6. The Aviation Department is requesting that the property owner record a Notice to Prospective Purchasers of Proximity to the Airport in order to disclose the existence and operational characteristics of Phoenix Deer Valley Airport to future owners or tenants of the property. A stipulation has been included to address this request.
7. It has been determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in a Shaded Zone X, on panel 1195 F of the Flood Insurance Rate Maps (FIRM) dated September 30, 2005.
8. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

### **Findings**

1. The proposed C-2 zoning is consistent with the commercial designation on the General Plan Land Use Map.
2. Rezoning from C-1 to C-2 will allow for a greater variety of businesses to locate at this shopping center.
3. Stipulations to upgrade landscape standards will improve the visual appearance of the retail center.

### **Stipulations**

1. The development shall utilize the C-2 streetscape landscape standards for planting types and equivalent groupings for the perimeter property lines along Waltann Lane and 35th Avenue, as approved by the Planning and Development Department.
2. The development shall utilize the C-2 landscape standards for interior surface parking areas, as approved by the Planning and Development Department.
3. The property owner shall record documents that disclose the existence and operational characteristics of the Deer Valley Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

### **Writer**

Craig Mavis

8/30/11

### **Team Leader**

Michelle Dodds

### **Attachments**

Sketch Map

Aerial

Site Plan

TIERRA BUENA LN

35TH AV

C-O

R-3A \*

Z-343-83

C-1

R-4 \*

Z-22-82

WALTANN LN

APP  
S-1 SP  
Z-SP-47-96

C-2 \*

Z-71-93

C-2 \*

Z-44-96  
Z-SP-22-96

S-1

C-1 \*

Z-42-86

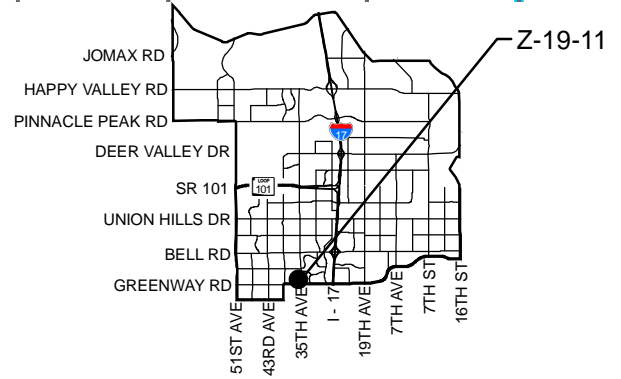
C-1 \*

Z-99-77

P-17-75 \*



200 100 0 200 Feet



CITY OF PHOENIX PLANNING DEPARTMENT

**DEER VALLEY VILLAGE**

CITY COUNCIL DISTRICT: 1

APPLICANT'S NAME:

Lyle S. Richardson

REQUESTED CHANGE:

FROM: C-1, (2.48 a. c.)

TO: C-2, (2.48 a. c.)

APPLICATION NO.

Z-19-11

DATE:

7/5/11

REVISION DATES:

GROSS AREA INCLUDING 1/2 STREET  
AND ALLEY DEDICATION IS APPROX.

2.48 Acres

AERIAL PHOTO &  
QUARTER SEC. NO.

Q35-20

ZONING MAP

L-6

MULTIPLES PERMITTED

C-1

C-2

CONVENTIONAL OPTION

36

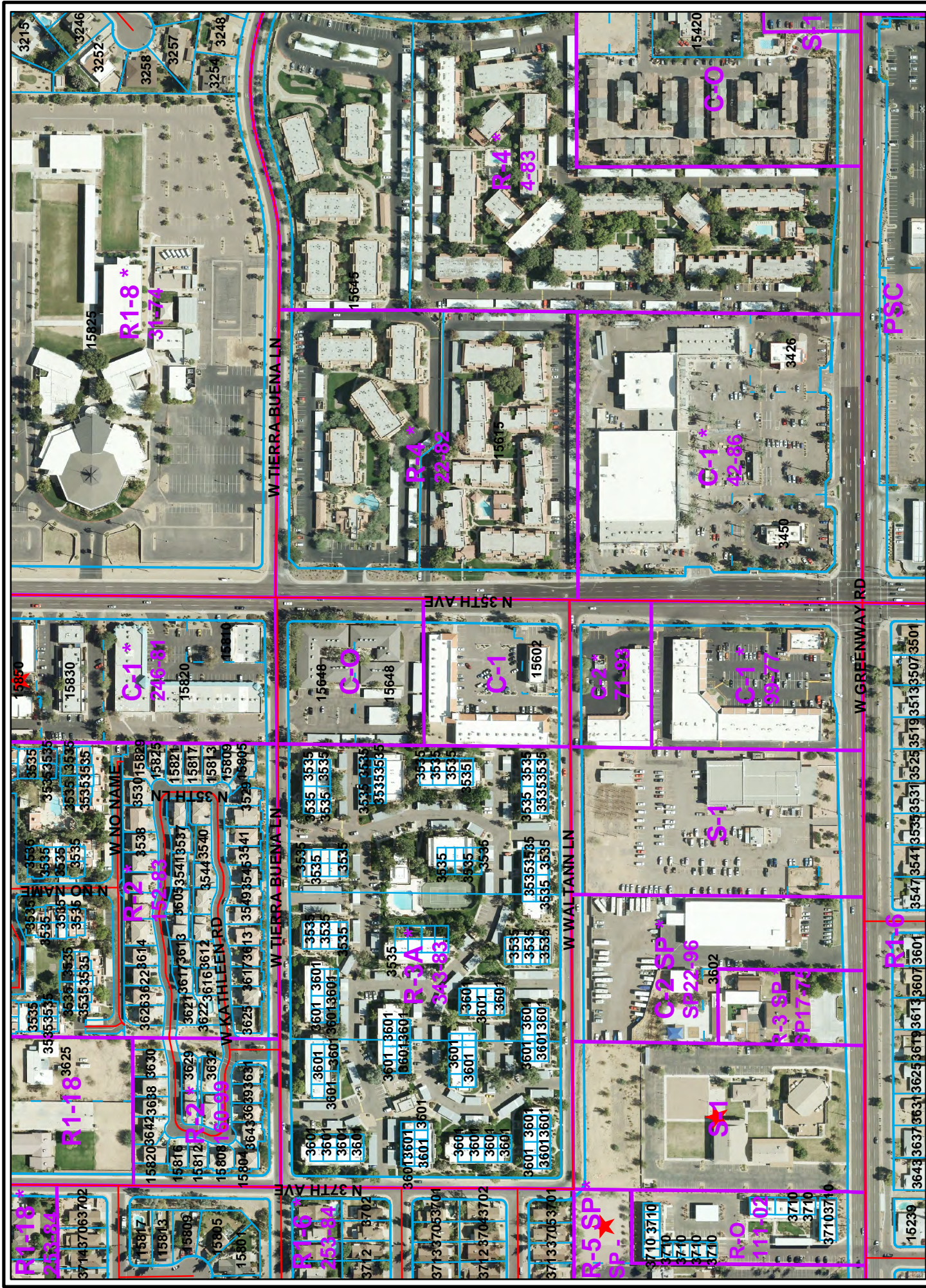
36

\* UNITS P.R.D. OPTION

43

43

\* Maximum Units Allowed with P.R.D. Bonus



The information provided on this map is based on record drawings submitted by others. Users of this information are cautioned that independent verification of actual conditions may be necessary.

# Development Services

City of Phoenix

1 inch = 276.927 ft.

0 95 190 380 Feet



# THE PALMS

PHOENIX, AZ  
 PREPARED FOR: RICHARDSON PLATFORM

## SITE PLAN



**OWNER**  
 REIN FAMILY INVESTMENTS  
 THE PALMS LLC  
 MARK REIN, MANAGER  
 1320 N. 35TH AVE  
 SUITE 200  
 SCOTTSDALE, AZ 85258  
 480-214-0414

**APPLICANT**  
 LYLE S. RICHARDSON  
 LAND USE PLANNER  
 5810 N. CAMBIO REAL  
 TUCSON, AZ 85718  
 602-905-6878

**LEGAL DESCRIPTION**  
 LOT 21 OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 2 EAST OF THE GILA AND BALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA; EXCEPT THE EAST 66 FEET THEREOF; AND EXCEPT THE NORTH 330 FEET THEREOF; AND EXCEPT THE SOUTH 26 FEET THEREOF; AND EXCEPT THAT PART OF SAID LOT 21 BOUNDED ON THE EAST BY THE WEST LINE OF THE EAST 66 FEET AND ON THE SOUTH BY THE NORTH LINE OF THE SOUTH 26 FEET, AND ON THE NORTHWEST BY THE ARC OF A CIRCULAR CURVE CONCAVE LINE AND SAID NORTH LINE; AND EXCEPT ALL COAL, OIL, GAS AND OTHER MINERAL DEPOSITS AS RESERVED IN THE PATENT TO SAID LAND FROM THE UNITED STATES OF AMERICA.

**SITE DATA**  
 LOCATION: N.W.C. 36TH AVENUE & WALTANN LANE  
 SITE AREA: 1.908 ACRES (83,127 S.F.)  
 CURRENT ZONING: C-1  
 PROPOSED ZONING: C-2  
 PARKING PROVIDED: 98 SPACES  
 COUNCIL DISTRICT: DEER VALLEY  
 VILLAGE COMMITTEE: CV  
 ZONING MAP: 20-36  
 C.S.

**PARKING**  
 REGULAR STALLS: 98  
 HANDICAPPED STALLS: 1  
 TOTAL: 99

**BUILDINGS**  
 BUILDING (A) - 10,717 S.F.  
 BUILDING (B) - 12,322 S.F.  
 PAD (C) - 3,222 S.F.

# CITY OF PHOENIX

JUN 16 2011



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