



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

Staff Report: Z-61-15-1
December 9, 2015

Deer Valley Village Planning Committee Meeting Date	December 17, 2015
Planning Commission Hearing Date	January 14, 2016
Request From:	S-1 DVAO (3.61 Acres), and A-1 SP DVAO (3.84 Acres)
Request To:	A-1 DVAO (7.45 Acres)
Proposed Use	Light Industrial and Removal of a Special Permit (Z-SP-3-00) to allow light industrial uses
Location	Northwest corner of 7th Street and Pinnacle Peak Road
Owner	Airpark 80 LLC (Tome Domres) and VWP DV Land I LP (Michael Mullarkey)
Representative	Jack Gilmore, Gilmore Planning & Landscape Architecture
Staff Recommendation	Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Designation		Industrial	
Street Map Classification	7th Street	Major Arterial	65-foot west half street
	Pinnacle Peak Road	Arterial	40-foot north half street
<p><i>CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.</i></p> <p>The subject site is designated Industrial on the General Plan Land Use Map and adjacent to other properties with industrial zoning. It is reasonable to allow Industrial zoning on the site to be consistent with the zoning that has already been established on the larger portions of the properties. The proposed rezoning will allow for the opportunity to redevelop the site to industrial uses that are compatible in the area.</p>			
<p><i>STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; EMPLOYERS (JOB CREATION); LAND USE PRINCIPLE: Support General Plan Land Use Map and zoning changes that will facilitate the location of employment generating uses in each of the designated employment centers.</i></p>			

STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; ENTREPRENEURS AND EMERGING ENTERPRISES; LAND USE PRINCIPLE: *Encourage land uses that promote the growth of entrepreneurs or new businesses in Phoenix in appropriate locations.*

STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; MANUFACTURING AND INDUSTRIAL DEVELOPMENT; LAND USE PRINCIPLE: *Support the expansion of industrial zoning in targeted industrial areas.*

STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; AIRPORTS; LAND USE PRINCIPLE: *Encourage the development of city-owned and non-city-owned parcels near the airport to airport-compatible land uses surrounding the city's airports.*

STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; AIRPORTS; LAND USE PRINCIPLE: *Continue to carefully monitor and evaluate all future land uses around the airports, protecting the airport from incompatible development that could pose a safety hazard to aircraft passengers, or to individuals living or residing in those areas. Additionally, ensure that future land uses within the Sky Harbor Center area will be compatible with the safe operation of Sky Harbor International Airport.*

The proposed zoning provides opportunities for growth of employment generating businesses, as well as entrepreneurs and/or new businesses in diverse industries such as general offices, high tech, and industrial trades. The subject site is in close proximity to the Phoenix Deer Valley Airport and the proposed zoning is compatible with the airport. The proposed zoning will encourage redevelopment of the subject site which will contribute to enhancing the area.

Area Plan

DEER VALLEY AIRPORT OVERLAY

The subject site is located within the Deer Valley Airport Overlay District (DVAO), Area 1 and the proposed zoning is consistent with the provisions of the overlay district. The purpose of the zoning overlay is to ensure land use compatibility with airport operations, protect navigable airspace from physical encroachment, and require permanent notice of flight operations to property owners. The proposed zoning is consistent with the character of the Phoenix Deer Valley Airport area, and the property owner will be required to record a disclosure notice to prospective purchasers regarding the proximity to the Phoenix Deer Valley Airport.

Surrounding Land Uses/Zoning

	Land Use	Zoning
On Site	Various outdoor industrial uses related to aggregate materials	S-1 DVAO and A-1 SP DVAO
North	Central Arizona Project facility	S-1 DVAO

South	Various outdoor industrial uses related to aggregate production, storage and sales; Vacant; and Warehouse/office	A-1 DVAO
East	7th Street; and Open space/mine area	A-1 SP DVAO
West	Various outdoor industrial uses related to aggregate materials; and Vacant	A-1 DVAO

A-1 District – Light Industrial		
Standards	Requirements	<u>Provisions on the Proposed Site Plan t</u>
<i>Gross Acreage</i>		7.45 gross acres
Off-Street Parking	Specified industrial use: 1 space per 1.5 workers. If the facility runs more than one shift a day, employee count will be based on the two largest shifts and 1 space per 300 s.f. of administration office.	The rezoning area is only a portion of several properties. There are no parking spaces existing within the rezoning area.
<i>Building Setbacks</i>		There are no enclosed buildings within the rezoning area, only outdoor storage.
North (adjacent to S-1)	0	Outdoor storage: Approximately 10 feet (met)
South (Partial Street Side)	25 feet, Except for vehicle parking areas, no outdoor uses, outdoor storage, or open buildings shall be located within 75 feet of a public street	Outdoor storage: Approximately 75 feet (met)
East (Street Side)	25 feet, Except for vehicle parking areas, no outdoor uses, outdoor storage, or open buildings shall be located within 75 feet of a public street	* Outdoor storage: Approximately 0 feet (not met)
<i>Landscape Setbacks</i>		
North (adjacent to S-1)	0 feet	0 (met)
South (Partial Street Side)	8 feet x lineal frontage, Minimum 5 feet wide (Approximately 1,283 sq. ft.)	* 0 (not met)

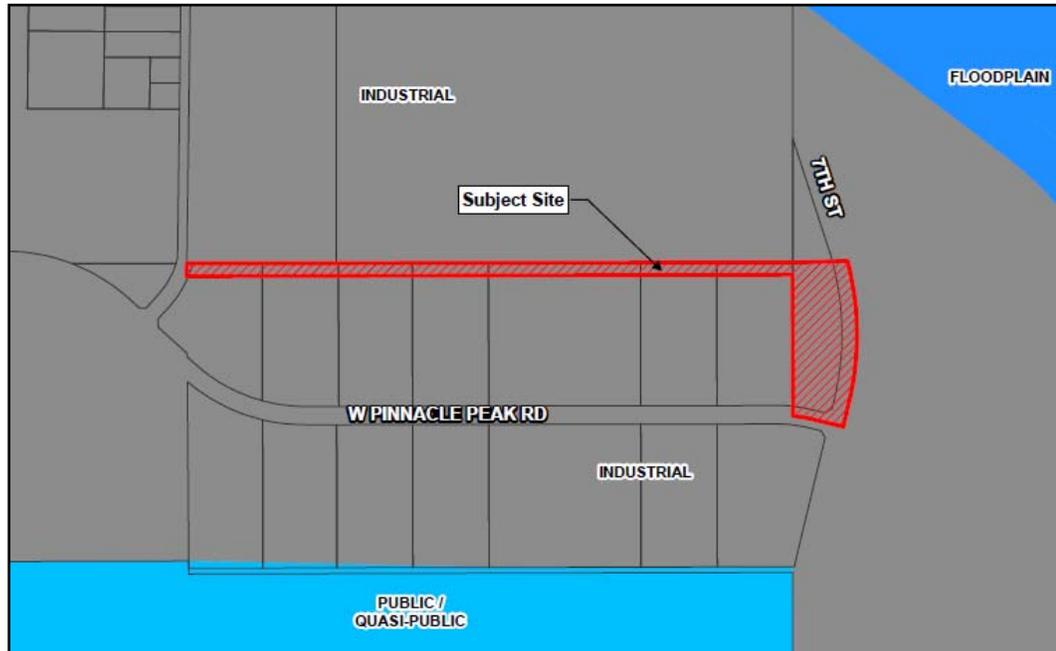
East (Street Side)	8 feet x lineal frontage, Minimum 5 feet wide (Approximately 5,262 sq. ft.)	* 0 (not met)
West (Partial Street Side)	8 feet x lineal frontage, Minimum 5 feet wide (Approximately 440 sq. ft.)	* 0 (not met)
Lot Coverage	N/A	
Building Height	56 feet, 80 feet with use permit	
Height of Open Storage	Open storage shall be no higher than 6 feet plus 1 foot in height for every additional 3 feet of setback from a property line.	
Screening	Any outside storage or use within 100 feet of a public street shall be screened by a 6-foot high solid fence or wall. Storage areas within 150 feet of a public street, shall have additional screening to include 15 gallon trees spaced no more than 25 feet apart and with an adequate watering system.	
<p>* The overall site is not conforming to Zoning Ordinance requirements related to setbacks for outdoor storage and landscaping. The site shall be brought into conformance or variances must be obtained.</p>		

Background/Issues/Analysis

1. The request is to rezone 7.45 gross acres from S-1 DVAO (Ranch or Farm Residence, Deer Valley Airport Overlay) and A-1 SP DVAO (Light Industrial, Special Permit to allow extraction and processing of materials to remove hills and temporary concrete batch plant, Deer Valley Airport Overlay), to A-1 DVAO (Light Industrial, Deer Valley Airport Overlay) to allow light industrial uses. The S-1 zoning on the north portion of the properties and the Special Permit zoning on the property at the immediate northwest corner of 7th Street and Pinnacle Peak exists as a remnant due to the re-alignments of Pinnacle Peak Road and 7th Street. The request is to remove/correct the strip of S-1 zoning on the north portion of the properties along the north side of Pinnacle Peak Road, between Central Avenue and 7th Street, as well as removal of the Special Permit that is no longer valid. This will then result in properties with consistent A-1 DVAO zoning which will be easier to redevelop in the future. It is anticipated that other industrial uses, such as warehouse/office type uses be developed in this area.

The properties highlighted in the site exhibit (see attached or exhibit in item 4) were annexed into Phoenix as part of two separate annexation cases. At the time of annexation, the Pinnacle Peak right-of-way was planned to be developed along the north portion of the subject site. The alignment of Pinnacle Peak Road has since changed and now runs along the south side of the properties as depicted in the site exhibit.

2. The General Plan Land Use Map depicts the site as Industrial. The proposed zoning conforms to the General Plan Land Use designation.



3. The subject site is located at the northwest corner of 7th Street and Pinnacle Peak Road. The site consists of the one (1) lot on the immediate corner, as well as the north 55 feet of the seven (7) lots to the west of the corner lot up to Central Avenue.

The property to the north of the site is a Central Arizona Project facility, owned by the U.S. Department of the Interior's Bureau of Reclamation and is zoned S-1 DVAO.

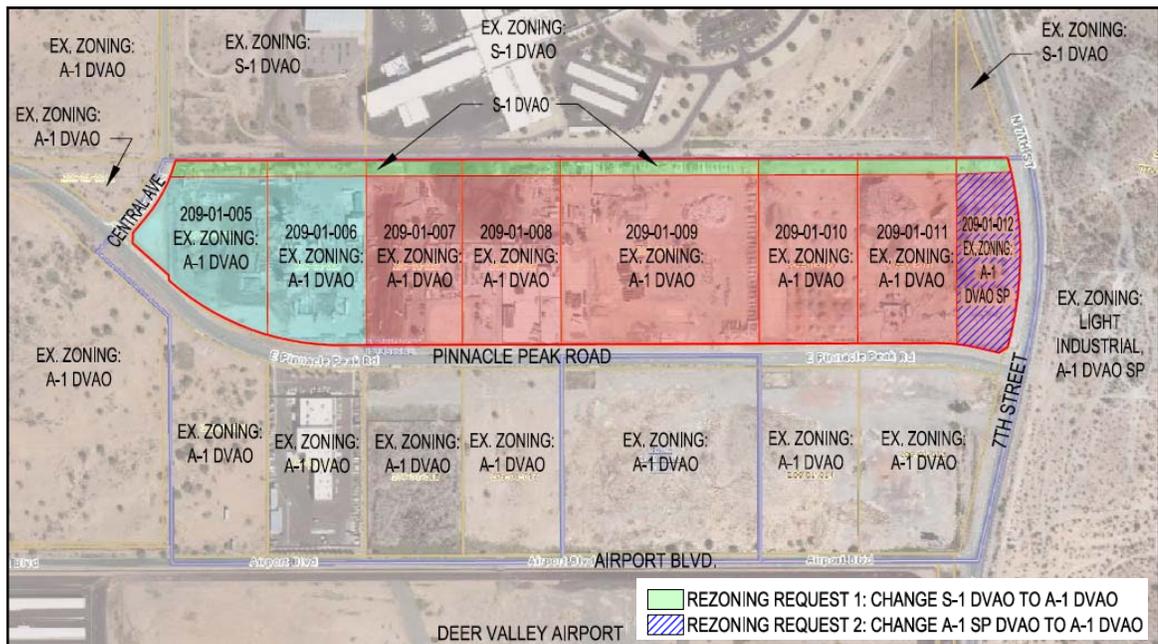
Most of the area south of the subject site consists of the larger portions of the properties that make up the rezoning area. These are zoned A-1 DVAO. The lot on the immediate corner is zoned A-1 SP DVAO and Pinnacle Peak Road is directly to the south. Beyond Pinnacle Peak Road there are vacant land and industrial warehouse/office developments further to the southwest which are zoned A-1 DVAO.

The property east of 7th Street is State Trust Land that is primarily open space and used for mining operations. This area is zoned A-1 SP DVAO.

West of the subject site is Central Avenue, with vacant A-1 DVAO zoned land directly across the street.



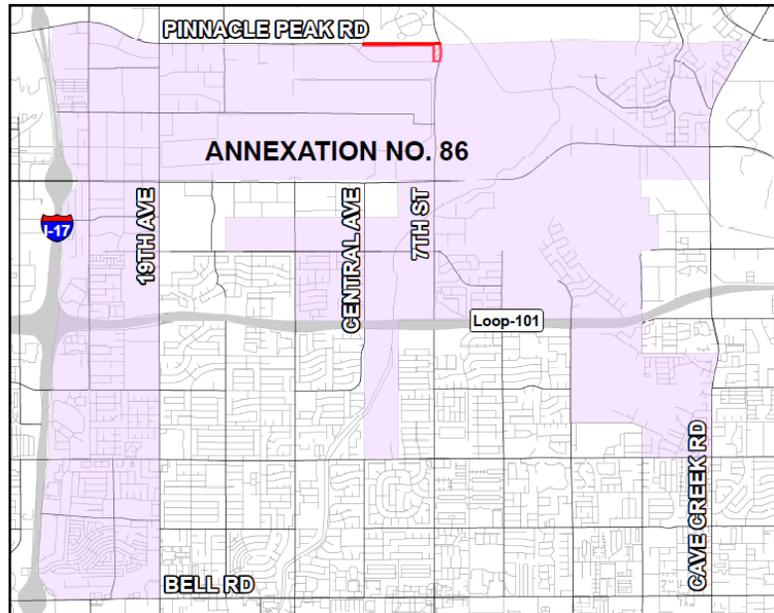
4. A site plan was not submitted as part of the rezoning request because new development is not proposed at this time. However, there is a site exhibit that depicts the eight (8) lots that are associated with the rezoning request. The site exhibit shows the location of the site, property ownership, and existing and proposed zoning.



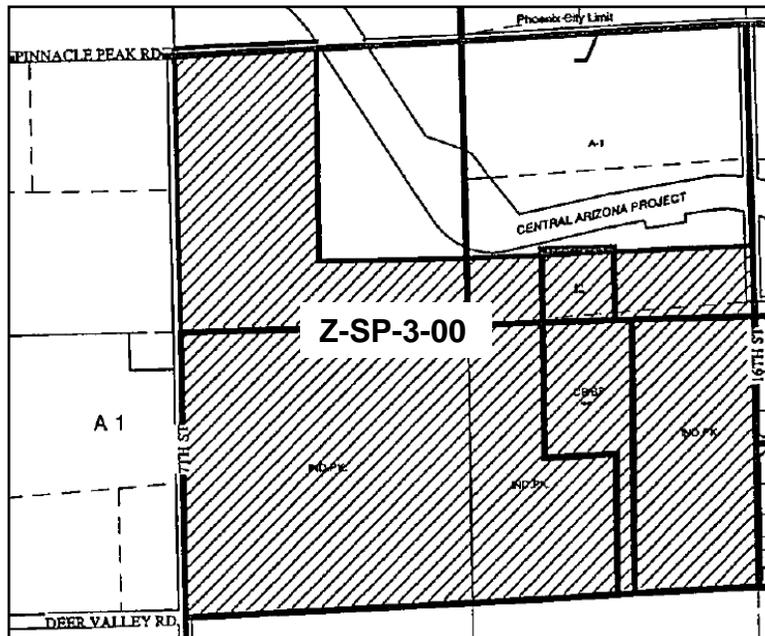
There are two (2) property owners. One (1) owns the two (2) lots on the west side of the site and the other owns the remaining six (6) lots.

5. Annexation & Zoning History

Annexation No. 86 was completed in 1972 and covered a large area, roughly between Pinnacle Peak Road to the north, Bell Road to the south, I-17 to the west, and Cave Creek Road to the east. This annexation case established the A-1 zoning on the subject properties south of the old alignment of Pinnacle Peak Road.



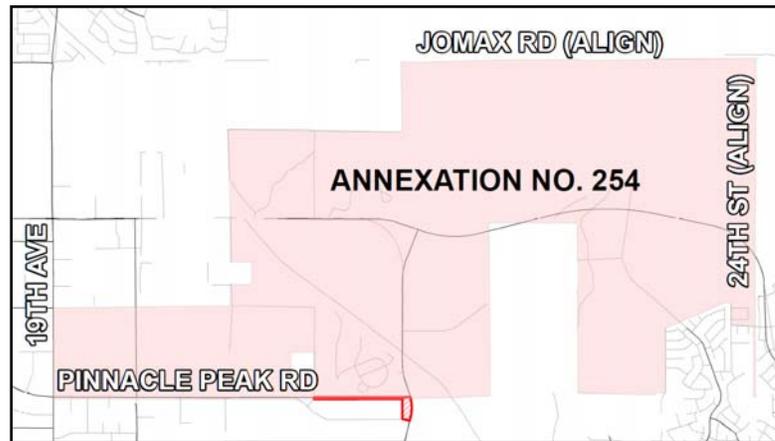
The approval of Rezoning Case No. Z-SP-3-00 established the A-1 Special Permit on the portion of the subject site that is on the immediate corner of 7th Street and Pinnacle Peak Road on October 4, 2000. The special permit rezoning case covered a large area, roughly between Pinnacle Peak Road to the North, Deer Valley Road to the south, 7th Street to the west, and 16th Street to the east. The Special Permit is no longer needed on the property at the northwest corner of 7th Street and Pinnacle Peak Road since the property is no longer used as part of the mining operation (extraction and processing



of materials to remove hills and temporary concrete batch plant).

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Annexation No. 254 was completed in 2001 and covered a large area, roughly between Jomax Road to the north, Pinnacle Peak Road to the south, 19th Avenue to the west, and 24th Street to the east. This annexation case, along with the related Rezoning Case No. Z-43-02, established the S-1 zoning on the north 55 feet of the subject properties highlighted in the site exhibit.



The Deer Valley Airport Overlay was established on November 29, 2006 and covers a large area, roughly between Happy Valley Road to the north, Rose Garden Lane to the south, 31st Avenue to the west, and Cave Creek Road to the east.

6. Existing Uses

There are existing uses on the site that have been in operation for some time. Excavating/extraction activity began on the site in 2004. By 2006 aggregate materials were being processed and stored on portions of the site.

The subject site is part of a plat (Book 1016, Page 23 of Maricopa County Records) that was recorded in 2008. It is presumed that the plat, which established new property lines and street dedications, contributed to the properties nonconforming setbacks and landscaping, since the aggregate business were already established on the site.

Currently there are several businesses operating on the properties. The properties on the far west side are used as a concrete batch plant. The uses on the other properties are related to aggregate production, storage, and sales.

7. The Aviation Department has reviewed the Rezoning application submittal and requests that the following item should be completed prior to approval:

- That the property owner record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix 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.

8. The Fire Department has noted that the water supply (gpm and psi) is not known for the site. Additional water supply may be required to meet the required fire flow per the Phoenix Fire Code.
9. It has been determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in Shaded Zone X, on panel 1280 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013.
10. The Water Services Department has stated that there are no issues with the rezoning request and that there are two (2) existing water/sewer services and meters to the site.
11. 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 zoning is in conformance with the Industrial designation of the General Plan Land Use Map.
2. The proposed zoning is consistent with the goals and policies of the Deer Valley Airport Overlay and will provide additional employment opportunities in the village.
3. The proposed zoning will result in eight (8) properties with consistent A-1 DVAO zoning and allow for future warehouse/office type development.

Stipulations

1. The property owner shall record a Notice of Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of 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

Racelle Escolar

12/9/2015

Team Leader

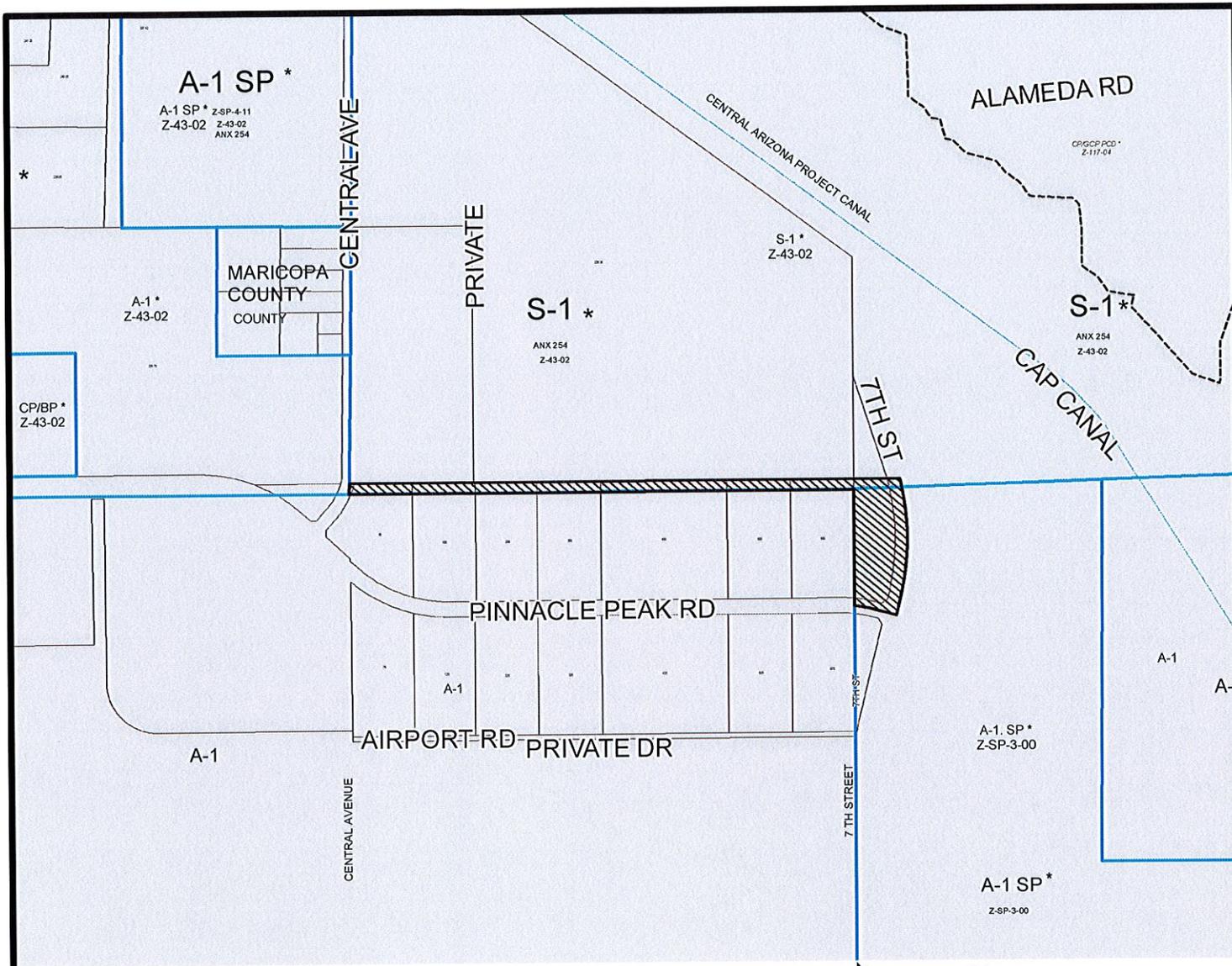
Josh Bednarek

Attachments

Sketch Map

Aerial

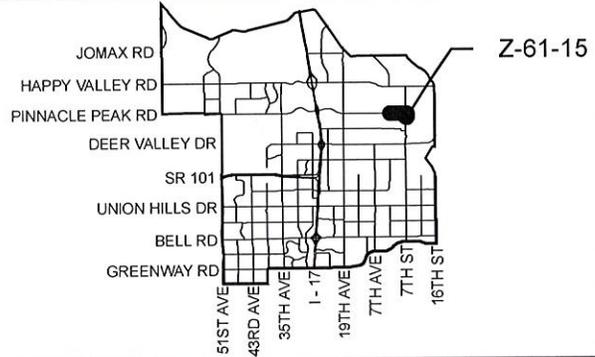
Site Exhibit



CITY OF PHOENIX PLANNING DEPARTMENT

DEER VALLEY VILLAGE

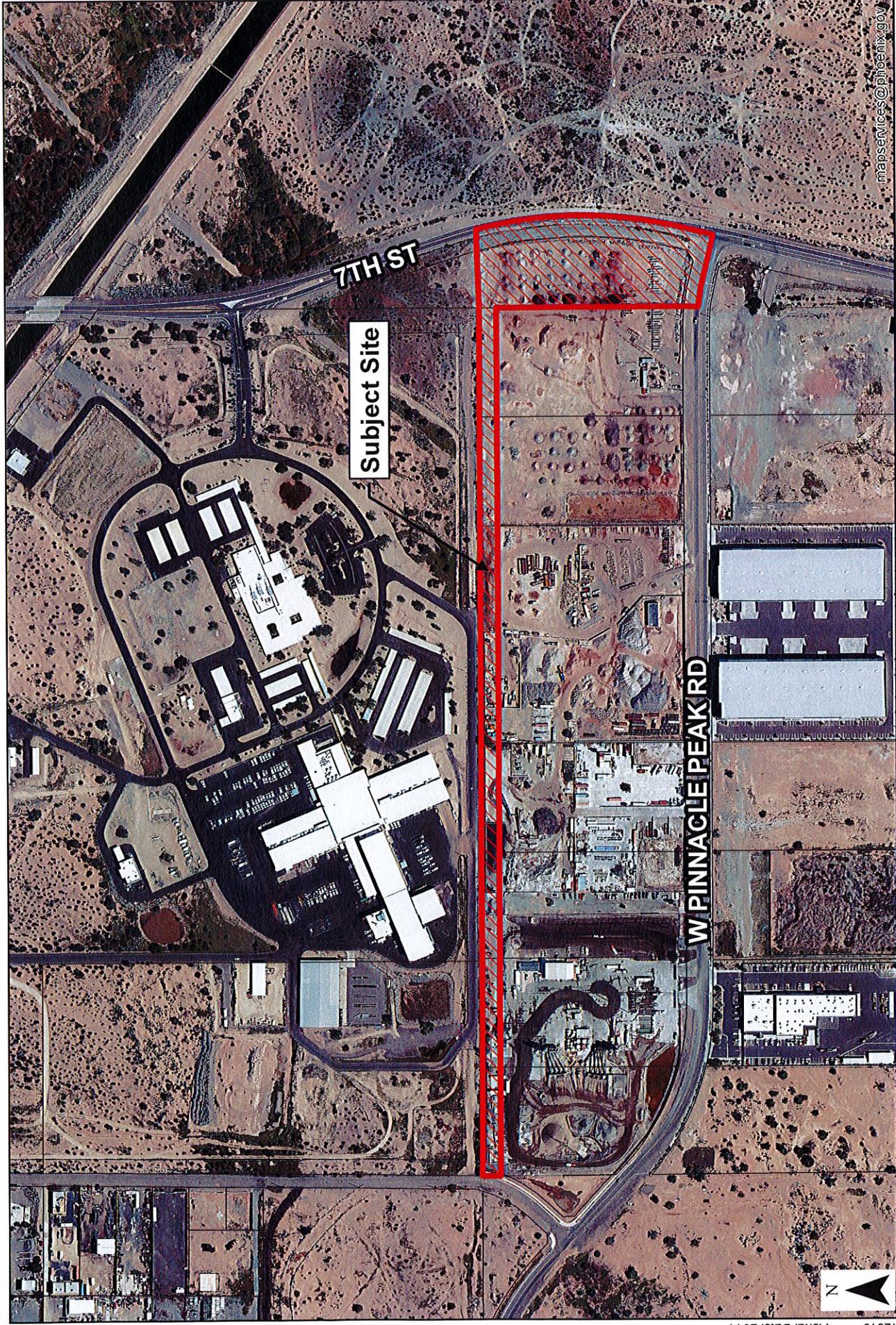
CITY COUNCIL DISTRICT: 1



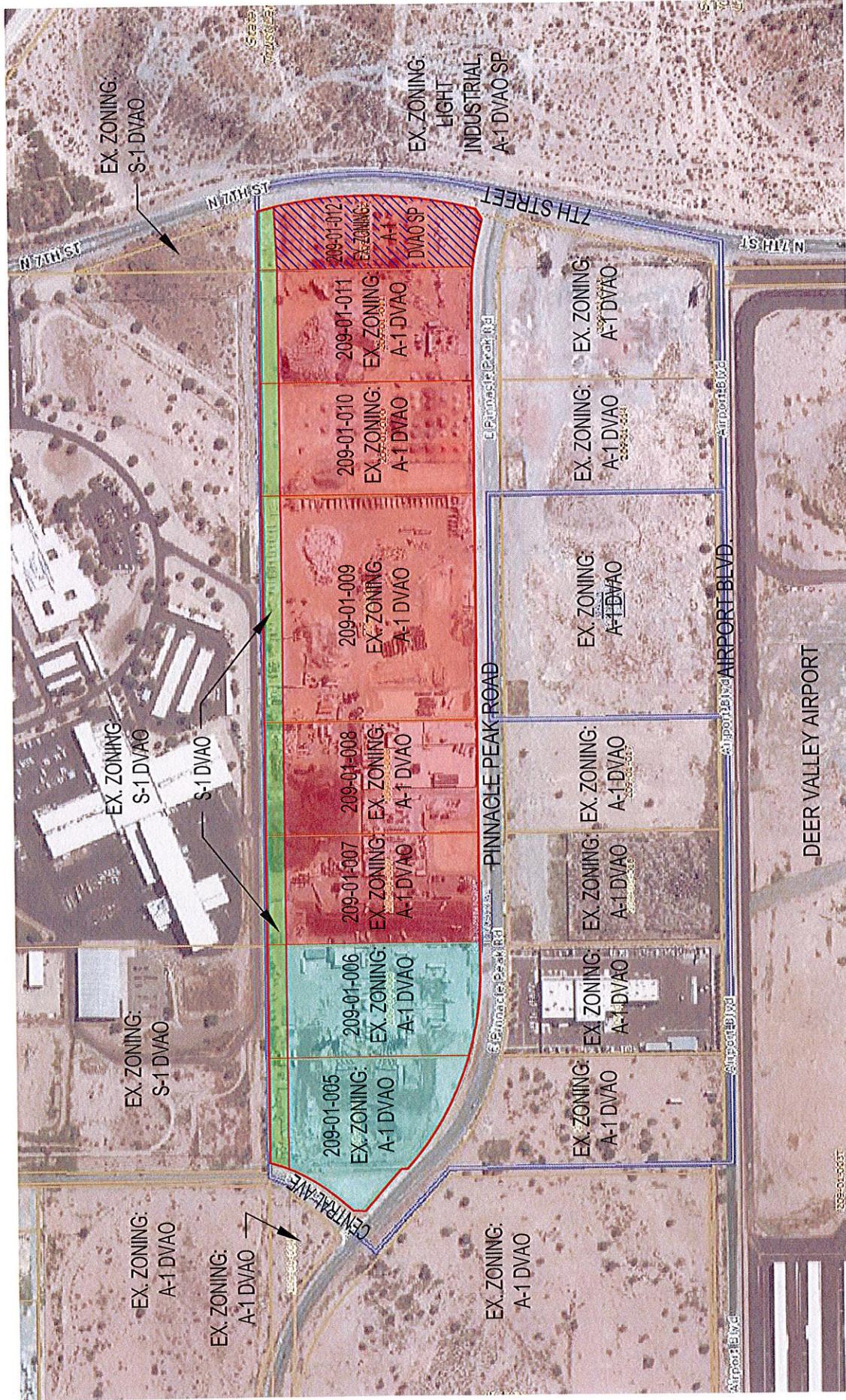
APPLICANT'S NAME: Gilmore Planning and Landscape Architect		REQUESTED CHANGE: FROM: A-1 SP DVAO (3.84 a.c.) S-1 DVAO (3.61 a.c.) TO: A-1 DVAO (7.45 a.c.)	
APPLICATION NO. Z-61-15	DATE: 11/19/15 REVISION DATES:		
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 7.45 Acres	AERIAL PHOTO & QUARTER SEC. NO. QS 44-28	ZONING MAP O-8	
MULTIPLES PERMITTED S-1, A-1 SP A-1	CONVENTIONAL OPTION 3, N/A N/A	* UNITS P.R.D. OPTION 3, N/A N/A	

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

Z-61-15-1



mapservices@phoenix.gov



- REZONING REQUEST 1: CHANGE S-1 DVAO TO A-1 DVAO
- REZONING REQUEST 2: CHANGE A-1 SP DVAO TO A-1 DVAO

7TH ST & PINNACLE PEAK ROAD

PHOENIX, AZ
 PREPARED FOR: LUKE LAND REALTY & INVESTMENTS

EXHIBIT 2 LOCATION/ EXISTING LAND USE PLAN

