



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

Staff Report Z-43-12-7
March 12, 2013

Estrella Village Planning Committee Meeting Date March 19, 2013

Planning Commission Hearing Date April 9, 2013

Request From: R-5 (70.46 Acres)
R-5 (Approved C-2) (11.40 Acres)
C-3 (1.29 Acres)

Request To: PUD (83.15 Acres)

Proposed Use Planned Unit Development to allow for industrial development

Location Northwest corner of 59th Avenue and Van Buren Street

Owner James F Kenny/El Dorado Van Buren 80 LLC

Applicant/Representative Paul Gilbert/Beus Gilbert PLLC

Staff Recommendation Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Designation		Residential 3.5 to 5 du/a Residential 15+ du/ac	
Street Map Classification	Van Buren Street	Arterial	50-foot half street
	59 th Avenue	Arterial	40-50 foot half street
	Fillmore Street	Local	25-foot half Street
<p>NEIGHBORHOOD ELEMENT. GOAL 2. POLICY 3: CREATE NEW DEVELOPMENT THAT IS SENSITIVE TO THE SCALE AND CHARACTER OF THE SURROUNDING NEIGHBORHOODS AND INCORPORATES ADEQUATE DEVELOPMENT STANDARDS TO PREVENT NEGATIVE IMPACT(S) ON THE RESIDENTIAL PROPERTIES.</p> <p>By complying with staff stipulations the proposed industrial development will be compatible with the existing and adjacent single family neighborhood to the north.</p>			
<p>NEIGHBORHOOD ELEMENT: GOAL 1, POLICY 22: PROTECT AND ENHANCE THE CHARACTER OF EACH NEIGHBORHOOD AND ITS VARIOUS HOUSING LIFESTYLES THROUGH NEW DEVELOPMENT THAT IS COMPATIBLE IN SCALE, DESIGN AND APPEARANCE.</p> <p>The proposed industrial development is consistent with the zoning pattern along 59th Avenue and Van Buren Street. Via staff stipulations, building design and layout techniques will be incorporated into the future development to ensure compatibility with the adjacent single family neighborhood and City of Phoenix park to the north.</p>			

LAND USE ELEMENT: GOAL 2 – EMPLOYMENT AND POPULATION BALANCE:
DEVELOPMENT OF EACH VILLAGE'S POTENTIAL SHOULD BE ENCOURAGED BY
DISTRIBUTING A DIVERSITY OF EMPLOYMENT AND HOUSING IN A WAY THAT
ACHIEVES A BALANCED CITYWIDE PLAN AND THAT IS CONSISTENT WITH COMMUTE
TRAVEL PATTERNS AND THAT CURRENT CHARACTER OF EACH DEVELOPED VILLAGE.

The proposed Industrial designation encourages the development of industrial uses that will create jobs to balance population and employment near predominately single-family residential areas.

Background/Issues/Analysis

SUBJECT SITE

1. This request is to rezone a 83.15 acre site located at the northwest corner of 59th Avenue and Van Buren Street from R-5 (70.46 Acres), R-5 (Approved C-2, 11.40 Acres) and C-3 (1.29 Acres) to PUD (83.15 Acres) to allow for industrial uses.
2. The General Plan Land Use Map designation for the subject parcel is Residential 15+ du/acre, Residential 3.5 to 5 du/acre and Industrial. The applicant is required to pursue a Minor General Plan Amendment to modify the land use designation to Industrial. GPA-EST-4-12-7 is running concurrently with this rezoning request.

SURROUNDING USES & ZONING

3. **North**
The parcels to the north consist of a single family residential neighborhood that is zoned R1-6 and City of Phoenix Sunridge Park.

West

Two parcels abut the subject parcel along the western property line. A two-story senior living facility zoned R-5 is located adjacent to Fillmore Street and a parcel with commercial uses is located adjacent to Van Buren Street.

South

To the south and across Van Buren Street, the parcels consist of a mix of industrial uses that are zoned A-1.

East

Two parcels with single family homes that are zoned R-5 directly abut the subject parcel. Across 59th Avenue and along the east property line is a vacant parcel zoned A-1.

PROPOSAL

4. The proposal was developed utilizing the PUD zoning designation, which allows an applicant to propose uses, development standards, and design guidelines for a site. A primary goal of this process is to allow the applicant to develop standards that respond to the surrounding environment more so than conventional zoning districts allow. The end result is property rezoned with standards crafted specifically for the site that allows for increased development flexibility, while

simultaneously providing enhanced development standards that could otherwise be developed through conventional zoning tools.

Where the PUD narrative is silent on a requirement, the applicable Zoning Ordinance provisions will be applied.

5. Below is a summary of the proposed standards for the subject site as described in the attached PUD narrative date stamped February 1, 2013, Attachment B. Many of the proposed standards were derived from the standards of the A-1 Light Industrial zoning district.

Land Use

The narrative permits a wide range of industrial, warehouse, storage, sales and manufacturing as the permitted uses.

Staff has concerns with the proposed building, outdoor uses and outdoor storage setbacks located directly adjacent to residential zoning districts. To mitigate, buffer and protect the adjacent neighborhood, senior housing facility and City of Phoenix park from the proposed outdoor storage and industrial uses staff is recommending a minimum 60-foot building setback in addition to a 100-foot outdoor uses and outdoor storage setback from the north property line.

In addition staff has concerns with the use permit provision outlined in the PUD. Some outdoor uses and storage require a use permit while other analogous outdoor uses and storage do not. Staff is recommending a stipulation that all outdoor uses within 100 to 300-feet of a residential district be required to obtain a use permit via the Zoning Administrator public hearing process outlined in section 307 of the Zoning Ordinance.

Development Standards

The maximum permitted building height for structures on site is 48-feet. Additional height may be granted via the use permit public hearing process that would allow structures to increase to 80-feet in height if setback 200-feet from the north property line.

The perimeter setbacks consist of a 30-foot landscape and building setback along all property lines. In addition a 100-foot dock area setback is proposed along the north property line. Staff is proposing to reduce the western landscape setback if 63rd Avenue is constructed and future right-of-way is dedicated.

Landscaping Standards

A mix of landscaping will be provided within the proposed 30-foot setback along the perimeter of the property. Along Fillmore Street, a mix of 2-inch caliper trees (50%) and 3-inch caliper trees (50%) will be provided 20-foot on center with 5 shrubs per tree. Along Van Buren Street, 2-inch caliper trees (50%), 3-inch caliper trees (25%) and 4-inch caliper trees (25%) will also be provided with 5 shrubs per tree.

Staff has concerns with the caliper of trees proposed for Fillmore Street located

adjacent to the single family neighborhood. Staff is proposing that at a minimum the Van Buren landscape standards shall also apply to Fillmore Street and utilize a mix of 2, 3 and 4-inch caliper trees with 5 shrubs per tree to provide adequate landscape buffering.

Parking

The minimum number of required parking spaces shall be as set forth in Section 702 of the Zoning Ordinance.

In addition the applicant is proposing a 1-foot non-vehicular easement along Fillmore Street to protect the residents from truck and vehicular traffic.

Shading

The narrative proposes that a minimum of 15 percent surface employee/visitor parking shall be shaded through a combination of shade trees and/or canopies.

Design Guidelines

The Development Narrative does not propose any new design guidelines; therefore, all applicable design guidelines outlined in the Guidelines for Design Review section of the Zoning Ordinance will apply.

Phasing

A phasing plan is not addressed within the PUD.

Signage

Sign Matrix on page 27 of the Development Narrative describes in detail the sign package for this request. In the event of a conflict between a provision of the PUD and a provision of Section 705 of the city of Phoenix Zoning Ordinance, the PUD prevails. In the event that the PUD is silent regarding a specific sign standard, the city of Phoenix Zoning Ordinance prevails.

Staff has concerns with the placement of future freeway pylon signs in proximity to the neighborhood. Staff is recommending a stipulation that no freeway pylon signs shall be located within 300-feet of the north property line. This will ensure that future signage is located an appropriate distance from the single family residential neighborhood.

Sustainability

The narrative proposes many options to incorporate sustainability principles, which may include building orientation, solar collection technologies, and design for effective water use.

STREETS AND TRAFFIC

6. The Street Transportation Department has indicated that there are right-of-way improvements needed for this site. Several stipulations have been added to address these improvements.
7. An additional traffic impact study will need to be submitted to the Street Transportation Department for further review. A stipulation has been added to

address any recommendations from that study.

8. A stipulation has been added for the applicant to submit a Red Border Letter to ADOT notifying them of the proposed development adjacent to a freeway corridor.

MISCELLANEOUS

9. Water for the proposed development will be provided to the site through an existing 20-inch transmission main in Van Buren Street, a 12-inch line in Van Buren Street and a 12-inch line in 59th Avenue.

Sewer service for the proposed development will be provided to the site through an existing 21-inch main in 59th Avenue, and an existing 8-inch main in Fillmore Street.

10. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements and other formal actions may be required.

Findings

1. The proposal is not consistent with the General Plan Land Use Map and therefore a Minor General Plan Amendment is required.
2. The proposed uses will bring employment opportunities to the surrounding area and the Estrella Village.
3. The proposed staff stipulations will ensure the PUD rezoning request is compatible with surrounding zoning patterns and land use in the area.

Stipulations

1. An updated Development Narrative for the Z-43-12-7 PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped February 13, 2013.

New Development Standards

2. The following minimum setbacks shall be provided along the north property line, as approved by the Planning and Development Department:
 - A. minimum 60-foot building setback
 - B. minimum 100-foot outdoor storage and outdoor uses setback, except for trailer and freight container staging that is transient in nature. These uses shall be limited to 15 feet in height but may increase 1-foot in height for every 3-feet of setback provided (3:1).

3. Outdoor uses and/or storage located between 100-300-feet of a residential district shall be required to obtain a use permit as outlined in section 307 of the zoning ordinance, as approved by the Planning and Development Department.
4. An 8-foot CMU wall shall be provided adjacent to all residential zoning districts, except for the portion of the western property line zoned R-5 south (approx. 552-feet) of Fillmore Street, as approved by the Planning and Development Department.
5. A maximum of 50 percent lot coverage may be obtained by the applicant, as approved by the Planning and Development Department.
6. Freeway pylon signs shall be not be located within 300-feet of the north property line, as approved by the Planning and Development Department.
7. The landscape setback along the western property line may be reduced to 10-feet beginning at approx. 552-feet south of Fillmore Street., as approved by the Planning and Development Department.
8. That prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims in a form approved by the City Attorney's Office. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

Development Narrative Updates and Modifications

9. The applicant shall modify page 24, section G.11.a.2 and shall have the photometric analysis at time of site plan review process, as approved by the Planning and Development Department.
10. The applicant shall modify page 24, section G.11.a.3 to "partially shield exterior lighting," as approved by the Planning and Development Department.
11. The applicant shall modify page 27, section G.12.d and delete the reference to allow "existing 6-foot walls may remain," as approved by the Planning and Development Department.
12. The applicant shall update page 4, section 2, uses of the PUD to correct the wording to "conditions/limitations," as approved by the Planning and Development Department.
13. The applicant shall update page 4, section 3, standards of the PUD to correct the wording to "59th Avenue," as approved by the Planning and Development Department.
14. The applicant shall update page 7, section 1, statement of conformity and insert a period after "City of Phoenix General Plan," as approved by the Planning and Development Department.

15. The applicant shall update page 11, section F.4.c and correct the spelling to “fifty,” as approved by the Planning and Development Department.
16. The applicant shall modify page 28 and remove the “note” from the top of the page, as approved by the Planning and Development Department.

Street Transportation Stipulations

17. Submit an updated Traffic Impact Analysis for Development per the PUD requirements. The development shall be responsible for any necessary dedications and improvements to the street network as approved by the Street Transportation Department.
18. The developer shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
19. A Red Border Letter shall be filed with ADOT notifying them of this project. The response from ADOT shall be included in the Appendix of this study. Potential right-of-way requirements need to be addressed in ADOT’s response.
20. The applicant shall revise page 8, paragraph one shall be deleted from the Traffic Impact Study, as approved by the Street Transportation Department.
21. Page 9, Paragraph 2: The developer shall construct 63rd Avenue a total of 700 feet north of Van Buren Street terminating with an off-set cul-de-sac. A conditional right-of-way dedication for 63rd Avenue from the cul-de-sac to Fillmore Street will be required. The alignment for 63rd Avenue shall be as per plans approved by the Street Transportation Department. This future connection may be necessary based upon access needs of the neighborhood upon completion of SR 202.
22. The applicant shall revise page 9, paragraph four to indicate the approved traffic signal along Van Buren Street in this area is at 63rd Avenue, as approved by the Street Transportation Department.
23. The applicant shall revise page 39, figure 14 and 15, to indicate the figure with the proposed signal at 63rd Avenue, as approved by the Street Transportation Department.
24. The applicant shall revise page 41, paragraph two to indicate main access to project to 63rd Avenue, as approved by the Street Transportation Department.
25. The applicant shall revise page 46 to align proposed driveways with existing driveways on the south side of Van Buren Street, as approved by the Street Transportation Department.

26. The applicant shall revise page 49, second and third bullet points, to correctly reflect/match the number of access points shown (Figure 4), as approved by the Street Transportation Department.
27. Page 6, Figure 2: Narrative for study states 2 access driveways on 59th Avenue and 4 along Van Buren Street are anticipated and Figure 2 shows 3 on 59th Avenue and 5 on Van Buren Street. Revise either the narrative or the Figure(s). New driveways should align with existing driveways whenever possible. Additionally, the existing driveway for the parcel at the southwest corner of 59th Avenue and Van Buren Street is missing.
28. Page 8, 5th Paragraph: The City Of Phoenix standard for access is full access at 1/8 mile (660') intervals. There is an existing driveway at about 690 feet west of 59th Avenue. A median island opening for this driveway is expected. Full access to the north would be approved at this location. Standard signalized access locations within the City are at 1/2 mile intervals, therefore the standard location will be at 63rd Avenue. No signal will be installed until warrants are met as determined by the City Of Phoenix.
29. Page 46, Design Issues - sixth Paragraph: Revise main access to site to 63rd Avenue.
30. Page 49, Recommendations: The proposed signal will be paid for by the developer, only when warrants are met as determined by the City Of Phoenix.

Writer

Marc Thornton
March 1, 2013

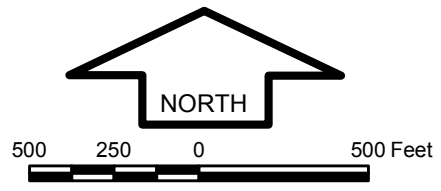
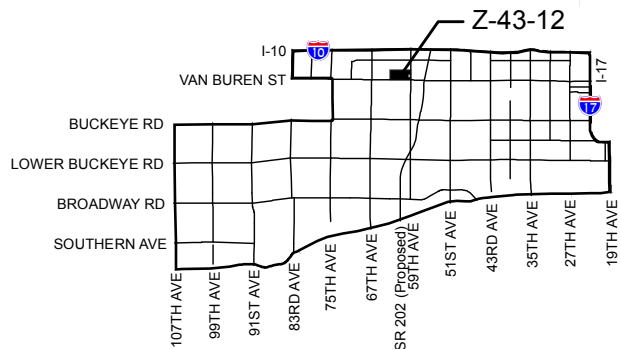
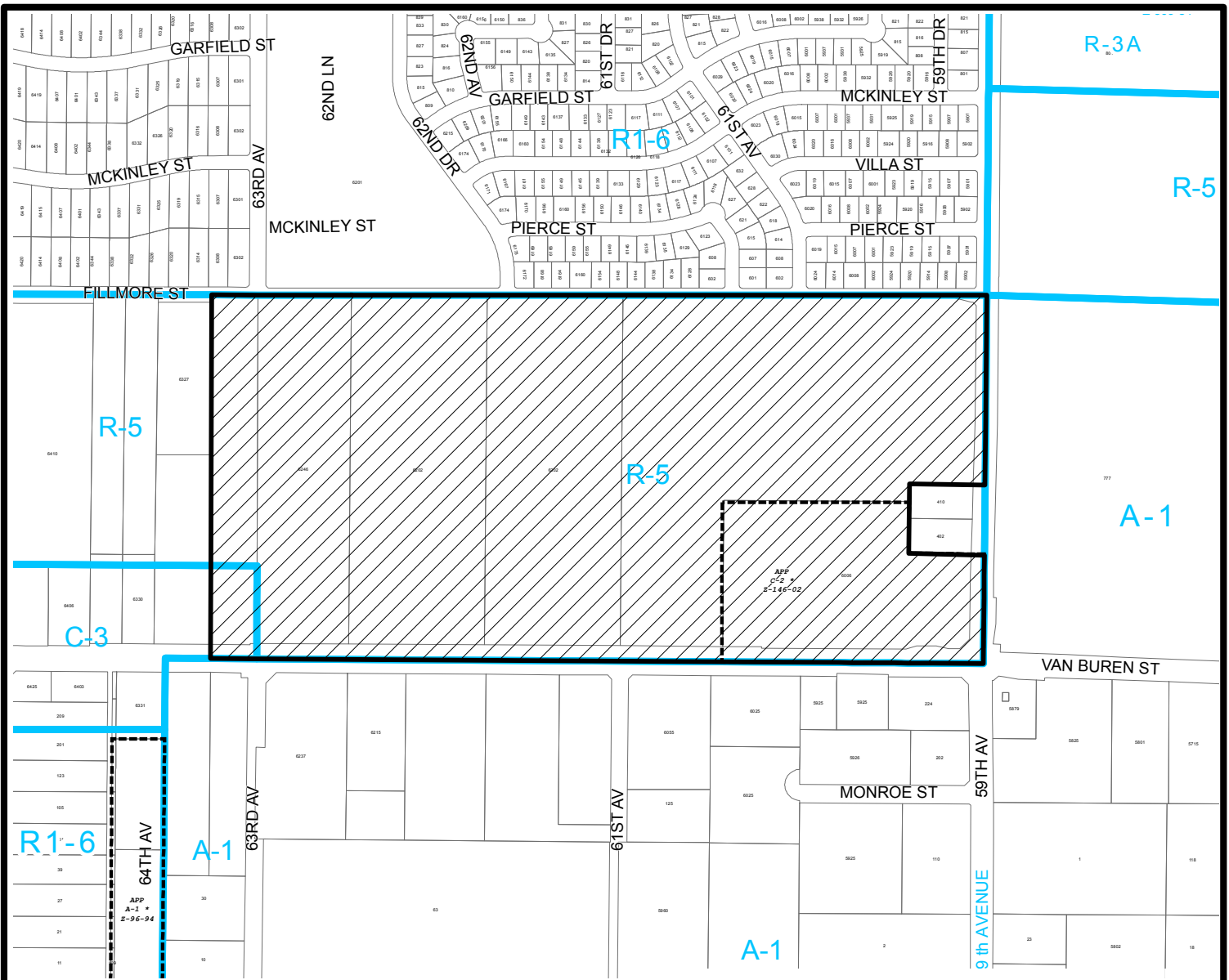
Team Leader

Josh Bednarek

Attachments

Attachment A: Sketch Map

Attachment B: Z-43-12-7 PUD Narrative date stamped February 1, 2013



CITY OF PHOENIX PLANNING DEPARTMENT
ESTRELLA VILLAGE
 CITY COUNCIL DISTRICT: 7

APPLICANT'S NAME: Dennis Newcomb/Beus Gilbert PLLC		REQUESTED CHANGE: FROM: R-5, (70.46 a. c.) R-5 (APPROVED C-2), (11.40 a. c.) C-3, (1.29) TO: PUD, (83.15 a. c.)	
APPLICATION NO. Z-43-12	DATE: 10/23/12	REVISION DATES: 3/4/13	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 83.15 Acres	AERIAL PHOTO & QUARTER SEC. NO. Q11-14	ZONING MAP F-5	
MULTIPLES PERMITTED R-5, R-5 (C-2 Approved), C-3 PUD	CONVENTIONAL OPTION 3065, 495 (165), 18 N/A	* UNITS P.R.D. OPTION 3678, 595 (198), 22 N/A	

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