



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**Staff Report: Z-48-16-1**  
November 29, 2016

**Deer Valley Village Planning Committee Meeting Date:** December 15, 2016

**Planning Commission Hearing Date:** January 5, 2017

**Request From:** CP/BP DVAO (4.30 acres)

**Request To:** C-2 DVAO (4.30 acres)

**Proposed Use:** Assisted Living Center

**Location:** Northwest corner of 19th Avenue and Alameda Road

**Owner:** Alameda & 19th LLC

**Applicant/Representative:** Ric Fisher, Chew Fisher Commercial/  
Paul E. Gilbert, Beus & Gilbert PLLC

**Staff Recommendation:** Denial. In the event of an approval action, mitigating stipulations are recommended.

General Plan Conformity			
<b>General Plan Land Use Designation</b>		Industrial	
<b>Street Map Classification</b>	19th Avenue	Major Arterial	55-foot west half street
	Alameda Road	Collector	40-foot north half street
	20th Drive	Local	30-foot east half street

**STRENGTHEN OUR LOCAL ECONOMY CORE VALUE**

**MANUFACTURING AND INDUSTRIAL DEVELOPMENT**

**LAND USE PRINCIPLES:**

- *Discourage the location of incompatible uses near base industrial clusters.*
- *Support the expansion of industrial zoning in targeted industrial areas.*

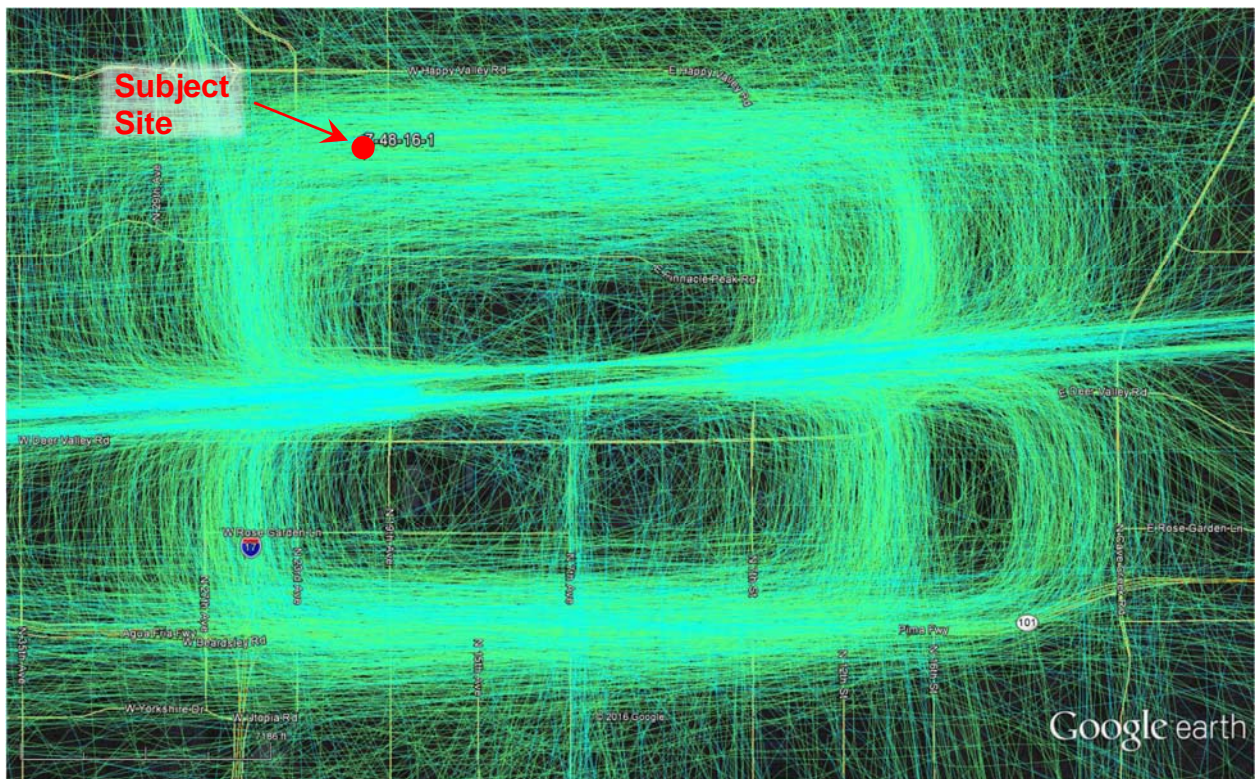
**DESIGN PRINCIPLE: Design industrial sites to be well screened from adjacent sensitive land uses such as residential.**

The proposed rezoning requests to remove commerce park zoning in a targeted industrial area that is planned for industrial and commerce park uses. The proposed quasi-residential use is not compatible in a targeted industrial area. The site is not designed to sufficiently allow outdoor recreational uses and screen industrial uses.

**AIRPORTS; LAND USE PRINCIPLES:**

- **Encourage the development of city-owned and non-city-owned parcels near the airport to airport-compatible land uses surrounding the city's airports.**
- **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 subject site is in close proximity to the Deer Valley Airport and in an area with heavy overflight traffic. The proposed assisted living facility, or C-2 zoning which also allows for residentially uses, is not a compatible land use at the proposed location. The graphic below shows arrival and departure overflight (6000+ operations) in a single week (August 2016):



**CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE**

**CERTAINTY AND CHARACTER**

**LAND USE PRINCIPLE: Protect residential areas from concentrations of incompatible land uses that could change their character or destabilize land values.**

**CERTAINTY AND CHARACTER**

**DESIGN PRINCIPLE:**

- **Create new development or redevelopment 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.**
- **Provide impact-mitigating features (such as extra width or depth, single story units, or landscape buffering) when new residential lots abut existing non-residential uses or are adjacent to arterial streets or freeway corridors. Dissimilar land uses often require additional separation or other measures to achieve compatibility.**

The proposed development is proposed in an area planned for industrial and commerce/business park uses which are not compatible with residential uses. Additional landscape setbacks beyond what is typically required are not proposed to help mitigate the negative impacts of the surrounding uses.

**DIVERSE NEIGHBORHOODS; LAND USE PRINCIPLE: Communities should consist of a mix of land uses to provide housing, shopping, dining and recreational options for residents.**

Although the proposal does offer an additional land use that may contribute to the diversity of the area, the proposal is located in area planned for industrial and commerce/business park uses and within close proximity to the Deer Valley Airport with heavy overflight traffic. Therefore, the proposed use and zoning is not located in an appropriate area.

<b>Surrounding Land Uses/Zoning</b>		
	<b><u>Land Use</u></b>	<b><u>Zoning</u></b>
<b>On Site</b>	Vacant	CP/BP DVAO
<b>North</b>	Vacant	CP/BP DVAO
<b>South</b>	Landscape Nursery	A-1 DVAO
<b>East</b>	Office/Warehouse	CP/BP DVAO
<b>West</b>	Vacant	County RE-43

<b>C-2 (Intermediate Commercial)</b>		
<b><u>Standards</u></b>	<b><u>Requirements</u></b>	<b><u>Proposed</u></b>
<i>Building Setbacks</i>		
Street South East West	Minimum 20, Average 25 feet	Met – 46 feet *Not met – 16 feet Met – 144 feet
Side North	0 feet	Met – 26 feet
<i>Landscape Setbacks</i>		
Street South East West	Minimum 20, Average 25 feet **Minimum 30 feet	Not met – 20 to 80 feet Not met – 20 to 75 feet *Not met – 16 to 70 feet
Side North	0 feet	Met – 6 to 10 feet
Lot Coverage	Maximum 50%	Met – 38%
Usable Open Space	**Minimum 10,000 square feet (5% of gross area)	Unknown – Usable open space is not identified on the site plan.
Building Height	Maximum 2 stories and 30 feet	Met – 2 stories/30 feet
Parking	1 space per 2 resident beds (Minimum 54 spaces required)	Met – 61 spaces

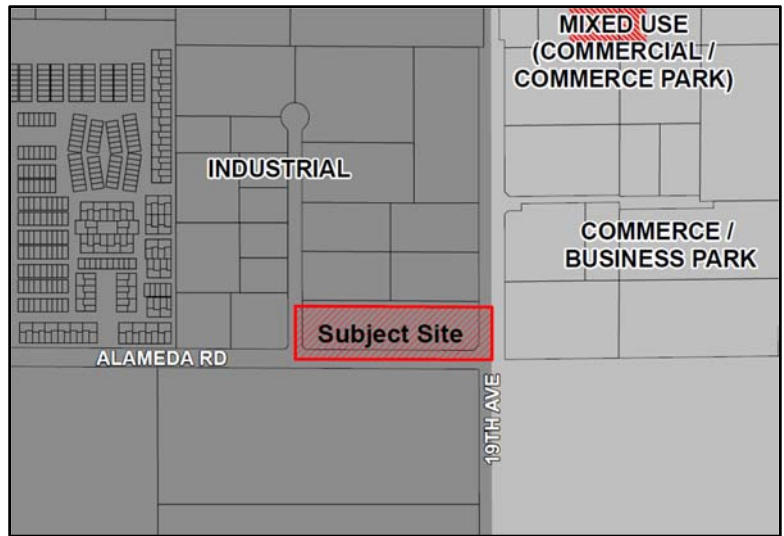
\* Variance approval is required in order to vary from the minimum requirements.

\*\* Stipulation recommended to increase the minimum requirements.

**Background/Issues/Analysis**

1. This is a request to rezone a 4.30-acre site located at the northwest corner of 19th Avenue and Alameda Road. The request is to rezone from CP/BP DVAO (Commerce Park/Business Park, Deer Valley Airport Overlay) to C-2 (Intermediate Commercial) DVAO to allow an assisted living center with 108 resident beds.

2. The General Plan Land Use Map designation for the subject site is Industrial. The proposal does not conform to the current Land Use Map designation. The General Plan Appendix B, Policy 2 states that a minor general plan amendment is required for a change in land use for 10 or more gross acres from one category to another, except when there is any residential request in a designated industrial or commerce park area. A general plan amendment is not required associated with this rezoning request. The rezoning site area is less than 10 acres, and although the requested use is quasi-residential, the requested zoning is a commercial zoning district.



The following General Plan Land Use Map designations are surrounding the site:

North: Industrial

East: Commerce/Business Park

South: Industrial

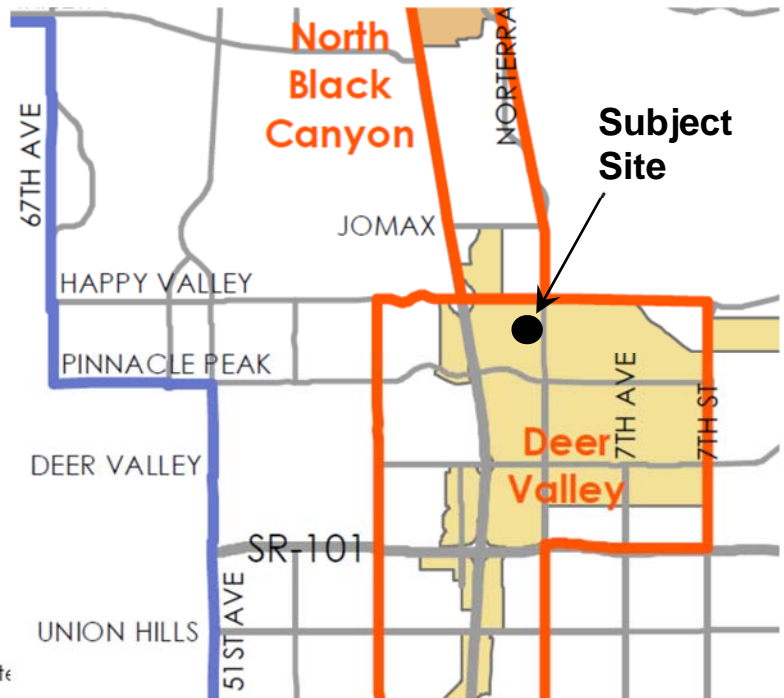
West: Industrial

The surrounding area is anticipated to develop with industrial and commerce/business park uses. A quasi-residential use would not be appropriate in the area.

3. The subject site is located within the Deer Valley Major Employment Center. This is an area in the city where more employment generating uses that are compatible in close proximity to the Deer Valley Airport are promoted.

**MAJOR EMPLOYMENT CENTERS**

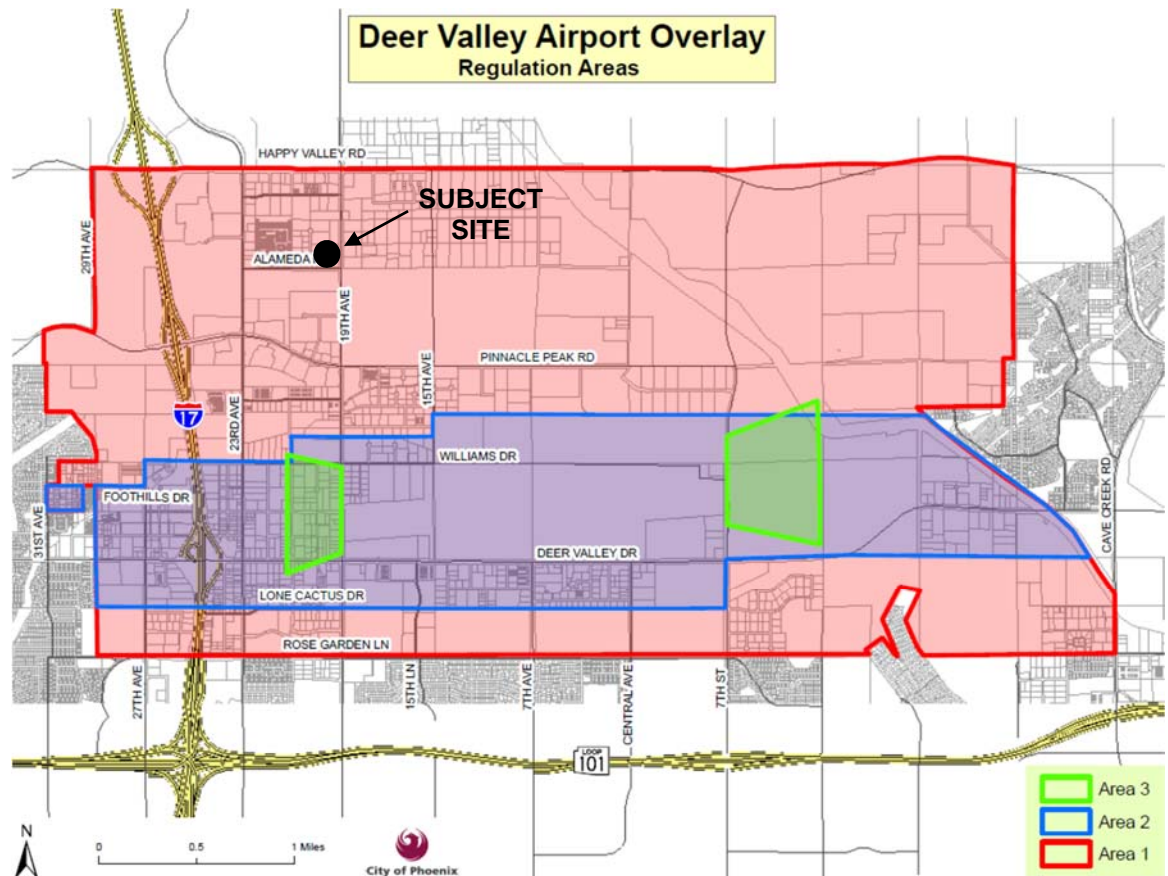
Phoenix Designated Employment Center



4. The subject site is currently vacant. The north side of the site is also vacant and may potentially be developed with commerce/business park uses in the future. The property to the south, on the other side of Alameda Road, is zoned A-1 (Light Industrial) and is developed with a landscape nursery.



The area west of the site, and on the opposite side of 20th Drive is zoned Commerce Park/Business Park and is developed with office and warehouse uses. The property east of 19th Avenue is also vacant and is zoned in the county jurisdiction with RU-43 zoning (Rural Zoning District - One Acre Per Dwelling Unit). The east side of 19th Avenue is also anticipated to develop with commerce park/business park uses after annexation into the city.

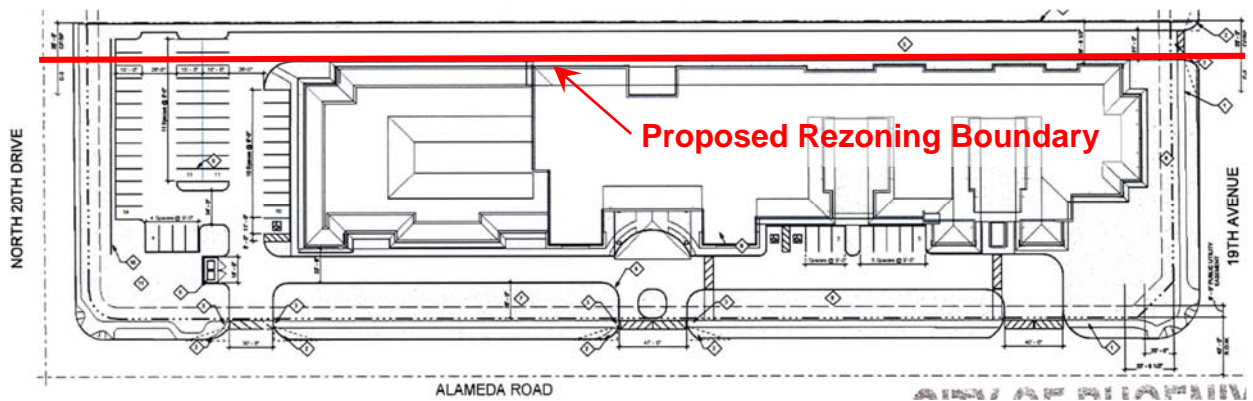


**Deer Valley Airport Overlay District (DVAO)**

The subject site as well as all of the surrounding properties are within the DVAO, Area 1. 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.

Although Area 1 does not specifically prohibit residential uses in Commercial Zoning Districts, it does not encourage residential uses. In fact, residential uses are specifically prohibited within the A-1 zoning district. The proposed use is not consistent with the intent of the overlay district.

- The proposed site plan shows a two-story, 98,485-square foot building on the site. There are a total of 70 assisted living units and 25 memory care units proposed with a total of 108 resident beds. There are three entrances proposed on the south side of the site along Alameda Road. The bulk of the parking spaces are proposed along the west side of the site, with some parking along the south side of the building. Landscape areas are proposed along the streets and the north property line, however as proposed, the dimensions are slightly deficient on the west side. The building setback proposed on the east side also does not meet the minimum required, due to the roof overhang. If the requested zoning is approved, then the site plan will need to be modified to meet all Zoning Ordinance Standards or variance approvals must be obtained through the Zoning Adjustment process.



The zoning request excludes the north 25 feet of the property. This was proposed by the applicant in order to mitigate potential adverse impacts to the property to the north. If the subject property is rezoned to C-2 zoning, then the required building setback for the property to the north will change from the current 0-foot interior setback to a 20-foot perimeter building setback. This poses a problem, if the requested zoning is approved, as there will then be a strip of CP/BP zoning remaining on the north 25 feet of the site. This scenario will also require that a use permit be obtained for the extension of a use which is permitted in a less restricted district into the more restricted district.

- The proposed elevations depict a two-story building with a Spanish tile roof and a stacked stone base:



**SOUTH SIDE**



**NORTH SIDE**



**EAST SIDE**



**WEST SIDE**



7. Mitigating stipulations have been recommended, in the event of an approval action, to ensure compatibility between the proposed development and surrounding uses. A stipulation has been recommended to ensure that there will be a minimum 30-foot landscape setback along the street sides of the property. This is consistent with the standard CP/GCP zoning perimeter street landscape setbacks, and would offer additional landscape buffer areas between the proposed quasi-residential use and surrounding industrial and commerce park uses. Staff is also recommending that a minimum of 10,000 square feet of usable open space be provided. This equates to 5% of the gross area and almost 100 square feet per resident bed, and is consistent with the Special Permit provisions for Assisted Living Centers.

Staff would also prefer to stipulate additional landscape setbacks and a minimum eight-foot high wall along the north property line as well, however the north portion of the site is not included in the rezoning request.

8. Archaeology Office

This project area is located on an undeveloped parcel in the vicinity of the Cave Creek Dam Archaeological District and several other archaeological site. According to the City of Phoenix Archaeology Office (CAO) records and those of AZSITE, the state's repository of archaeological information, no archaeological work has previously been conducted within this project area.

The CAO recommends that this project area undergo an archaeological survey. Archaeological monitoring and/or testing may be necessary based upon the results of the survey. A qualified archaeologist must make this determination in consultation with the City Archaeologist. This work is recommended in order to assist the project proponent in complying with the State Burial Law, ARS 41-865, and Chapter 8, Section 802[B2] of the City's Historic Preservation Ordinance.

9. Aviation Department

The Aviation Department is not supportive of C-2 zoning at the subject site due to the ability to develop residential uses.

10. Floodplain Management

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.

11. Water Services Department

The proposed property has existing water and sewer mains that can potentially serve the development.

12. 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 proposal does not conform to the current General Plan Land Use Map designation. However, a general plan amendment is not required because the rezoning site area is less than 10 acres, and although the requested use is residential, the requested zoning is a commercial zoning district.
2. The proposed rezoning is not in conformance with several General Plan goals and policies.
3. An approval action of this rezoning request would allow a strip of CP/BP zoning to remain on the north 25 feet of the site.
4. The proposal is a missed opportunity for an industrial or employment generating use within:
  - Transportation corridor (19th Avenue)
  - Deer Valley Major Employment Center
  - Close proximity to the Deer Valley Airport

## **Staff recommends denial. In the event of an approval action, mitigating stipulations are recommended:**

1. Landscape setbacks along the south, east, and west sides shall be a minimum of 30 feet.
2. A minimum of 10,000 square feet of usable open space shall be provided.
3. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
4. The property owner shall 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.

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November 29, 2016  
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**Writer**

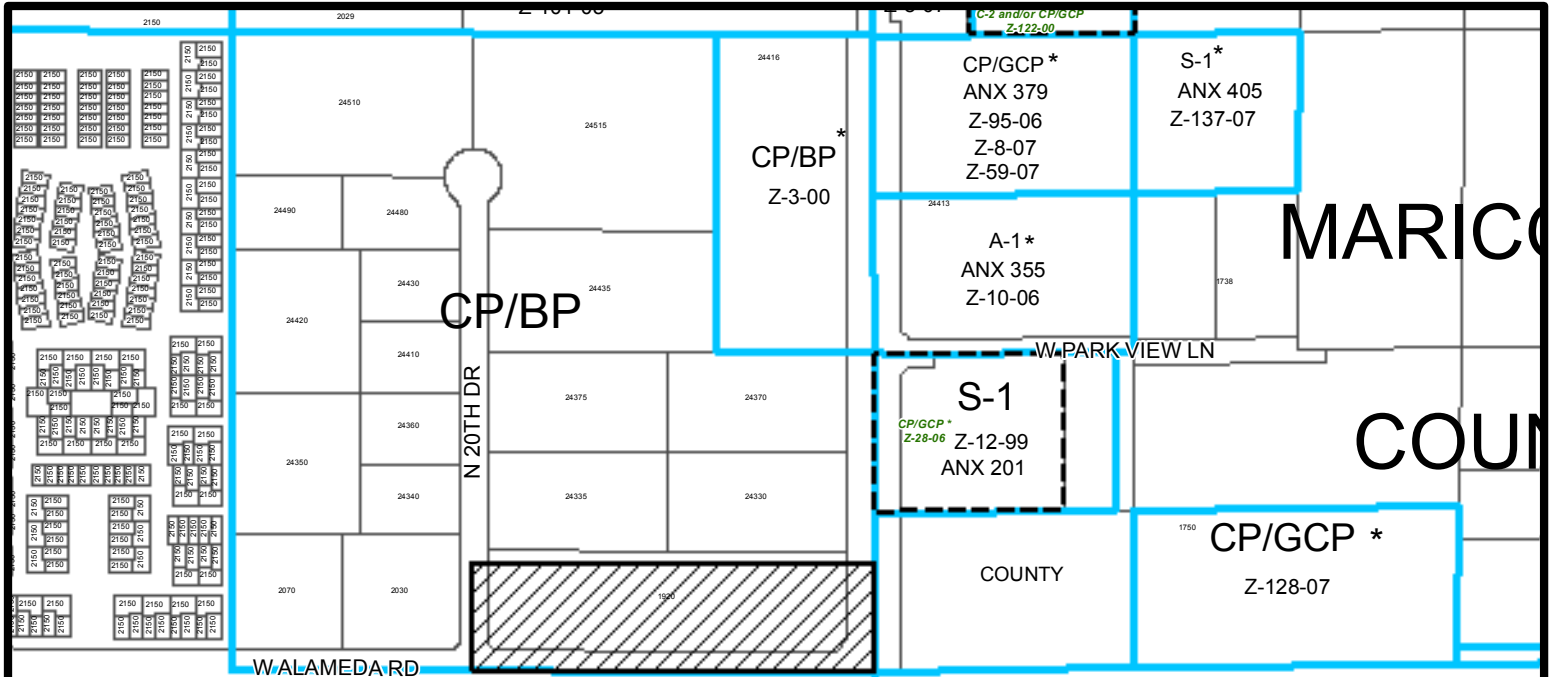
Racelle Escolar  
November 29, 2016

**Team Leader**

Joshua Bednarek

**Attachments**

Rezoning Sketch Map  
Aerial Map  
Conceptual Site Plan date stamped October 24, 2016  
Conceptual Elevations date stamped July 28, 2016



MARICOPA COUNTY

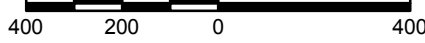
A-1

S-1 \*

ANX 254  
Z-43-02



Feet

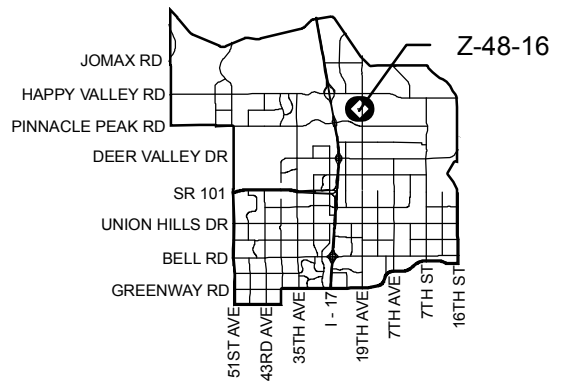


**DEER VALLEY VILLAGE**  
CITY COUNCIL DISTRICT: 1



**City of Phoenix**

PLANNING & DEVELOPMENT DEPARTMENT



**APPLICANT'S NAME:** Ric Fisher, Chew Fisher Commercial

**REQUESTED CHANGE:**  
FROM: CP/BP DVAO (4.30 a.c.)  
TO: C-2 DVAO, (4.30 a.c.)

**APPLICATION NO.** Z-48-16

**DATE:** 8/22/16  
**REVISION DATES:**  
10/26/2016

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

**AERIAL PHOTO & QUARTER SEC. NO.** QS 46-24  
**ZONING MAP** O-7

**MULTIPLES PERMITTED**  
CP/BP  
C-2

**CONVENTIONAL OPTION**  
N/A  
60

**\* UNITS P.R.D. OPTION**  
N/A  
75

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

# Aerial Map: Z-48-16-1



RE 11/1/2016 Aerial Date: 2016



0 400 800 Feet

mapservices@phoenix.gov



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

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 10/25/2016 10:28:12 AM  
 C:\Users\matt\Documents\16011 Village Garden - 16120\16011 Village Garden.dwg

**PROJECT INFORMATION:**

**BUILDING INFORMATION:**  
**PROJECT:** SENIOR ASSISTED LIVING FACILITY WITH A PORTION OF MEMORY CARE LOCATED AT THE N.W.C. OF 19th AVENUE & ALAMEDA ROAD, PHOENIX, AZ  
**PROJECT OWNER / DEVELOPER:** RJC FISCHER ALAMEDA & 19th L.L.C. 34 ENGIS ROAD, HILTON HEAD, SC 29928 (843)303-5986  
**LEGAL DESCRIPTION:** CURRENT: CP / RP PROPOSED: C-2 + C-1B-1P  
**ZONING:**  
**GROSS SITE AREA:** 306,209 SF / ± 4.74 ACRES  
**NET SITE AREA:** 105,099 SF / ± 3.55 ACRES  
**BUILDING AREA:** 1st FLOOR: 56,700 2nd FLOOR: 30,736  
**GROSS BUILDING AREA:** 96,435  
**FLOOR AREA RATIO (FAR):** 0.94  
**PROJECT DENSITY:** 14.79 DU/AC  
**LOT COVERAGE:** 56,700 / 156,056 = 37.0% OF SITE  
**OPEN SPACE (NOT INCLUDING PARKING):** 50,449 / 156,056 = 32.5% OF SITE  
**USEABLE OPEN SPACE:** 13,847 SF  
**BUILDING HEIGHT ALLOWED:** 30'-0"  
**PROVIDED:** 30'-0" (2 stories)  
**OCCUPANCY:** I-2  
**PROJECT INFORMATION:**  
**PROPOSED UNITS:** 70 ASSISTED LIVING WITH COOKING DEVICES, 25 MEMORY CARE WITHOUT A COOKING DEVICE  
**TOTAL:** 95 ROOMS AND 103 BEDS  
**PARKING REQUIRED:** 50  
**PARKING PROVIDED:** 58  
**STANDARD SPACES:** 58  
**ACCESSIBLE SPACES:** 3  
**TOTAL SPACES:** 61

**KEYED NOTES**

- 1 EXISTING CONCRETE SIDEWALK
- 2 10'-0" VISIBILITY TRIANGLE
- 3 NEW SIDEWALK RAMP: DESIGN PER CITY OF PHOENIX STANDARDS
- 4 24" SITE WALL 6" HIGH
- 5 FIRE ACCESS LANE, GRASS/CONCRETE CONSTRUCTION
- 6 6" HIGH MASONRY REFUSE ENCLOSURE
- 7 REQUIRED 25' LANDSCAPING SETBACK
- 8 20' LANDSCAPING SETBACK ALLOWED ON 50% MAXIMUM OF FRONTAGE
- 9 6" C.I.P. CONCRETE CURB, TYP.
- 10 7' HIGH CURB SCREENING WALL
- 11 EXISTING ABOVE GROUND RETENTION

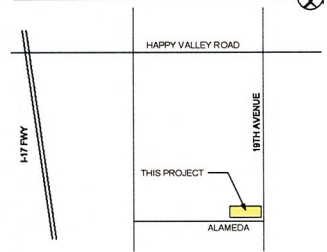
**SETBACKS**

TYPE	BUILDING SETBACK	AVERAGE LANDSCAPING SETBACK
W	14F-0"	33'-0"
E	30'-0"	20'-0"
S	20'-0"	30'-0"
N	20'-0"	20'-0"



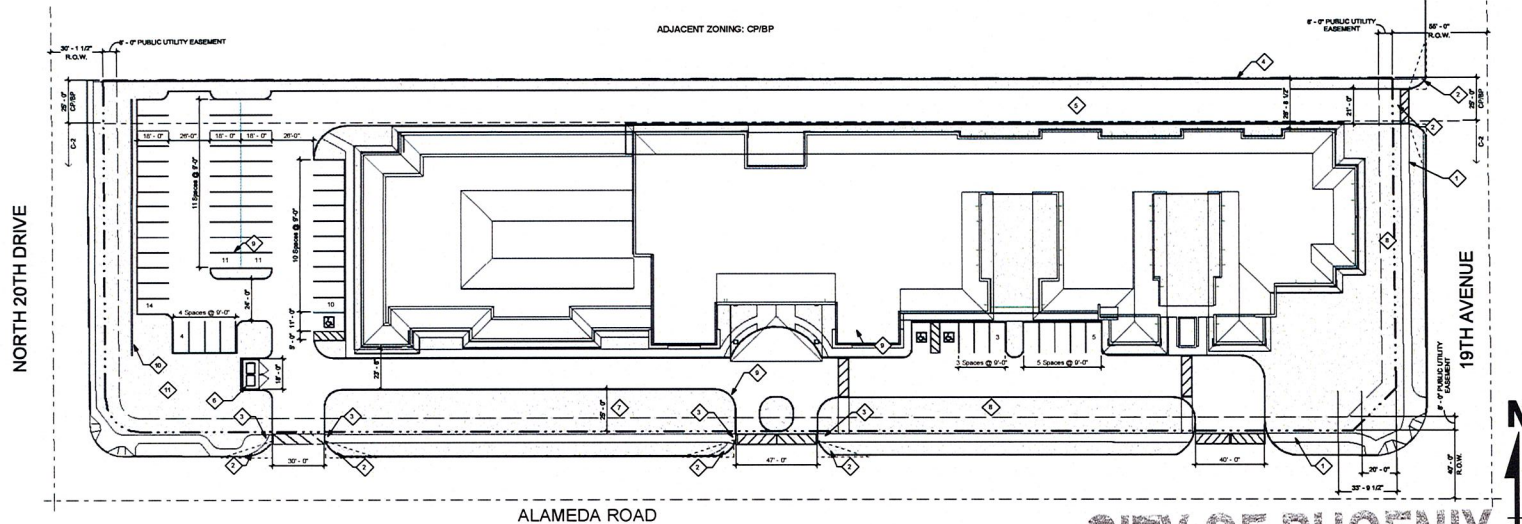
2 CONTEXT PLAN  
 1" = 200'-0"

**VICINITY MAP**



**GOVERNING CODES**

- 2012 INTERNATIONAL BUILDING CODE (IBC)
- 2012 INTERNATIONAL EXISTING BUILDING CODE (IEBC)
- 2012 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)
- 2012 INTERNATIONAL MECHANICAL CODE (IMC)
- 2012 INTERNATIONAL FUEL GAS CODE
- 2012 INTERNATIONAL CODE COUNCIL PERFORMANCE CODE
- 2011 NATIONAL ELECTRICAL CODE / NFPA 70
- 2012 INTERNATIONAL PLUMBING CODE (IPC)
- 2012 UNIFORM PLUMBING CODE (UPC)
- 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN
- 2009 ICC AND A117.1



1 SITE PLAN  
 1" = 30'-0"

**CITY OF PHOENIX**

OCT 24 2016

Planning & Development  
 Department



99 East Virginia Ave.  
 Suite 175  
 Phoenix, AZ 85004

P 602-229-1100  
 F 602-229-1101

NOT FOR CONSTRUCTION



NOT FOR CONSTRUCTION

VILLAGE GARDEN  
 ASSISTED LIVING FACILITY  
 1920 W ALAMEDA ROAD  
 PHOENIX, AZ 85027

REV. DATE DESCRIPTION

PROJECT NUMBER:  
 16-011

ISSUE DATE:  
 07/06/2016

SHEET TITLE:  
 SITE PLAN

SHEET NUMBER:  
 A-001

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Phoenix, AZ 85004  
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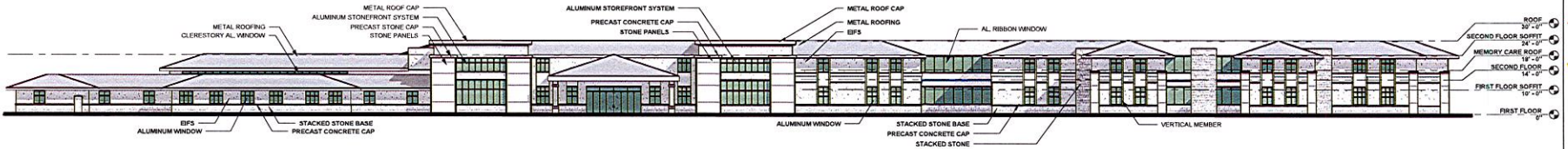
NOT FOR CONSTRUCTION

VILLAGE GARDEN  
ASSISTED LIVING FACILITY  
1920 W ALAMEDA ROAD  
PHOENIX, AZ 85027

REV | DATE | DESCRIPTION

PROJECT NUMBER:  
16-011  
ISSUE DATE:  
07/06/2016  
SHEET TITLE:  
EXTERIOR ELEVATIONS

SHEET NUMBER:  
A-602

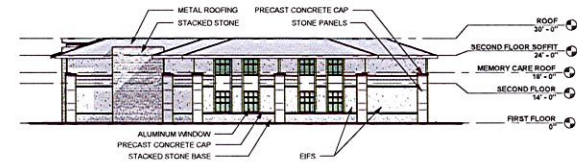
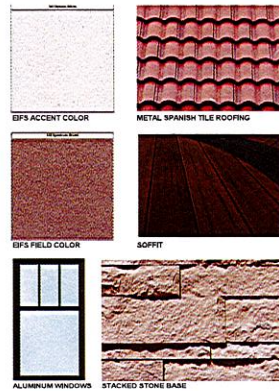


1 SOUTH ELEVATION  
1" = 20'-0"

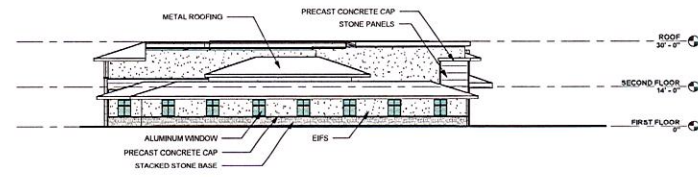


2 NORTH ELEVATION  
1" = 20'-0"

### EXTERIOR MATERIALS



3 EAST ELEVATION  
1" = 20'-0"



4 WEST ELEVATION  
1" = 20'-0"

**CITY OF PHOENIX**

JUL 28 2016

Planning & Development  
Department