



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report: Z-78-B-88-1
June 29, 2018

Deer Valley [Village Planning Committee](#) Meeting Date July 19, 2018
[Planning Commission](#) Hearing Date August 2, 2018

Request From: [C-2 PCD](#) (22.22 acres)
[C-2 SP PCD](#) (0.03 acres)

Request To: [C-2 SP PCD](#) (22.25 acres)

Proposed Use Massage establishment and all underlying C-2 uses

Location Northeast corner of 39th Avenue and Happy Valley Road

Owner J&R Holdings XII, LLC (lease) / Arizona State Land Department

Applicant/ Representative Stephen C. Earl; Earl, Curley & Lagarde
Staff Recommendation Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Designation		Residential 0 to 2 dwelling units per acre	
Street Map Classification	Happy Valley Road	Major Arterial	75-foot north half street (right-of-way easement)
	39th Avenue	Minor Collector	40-foot east half street
	Hackamore Drive	Minor Collector	20 to 40-foot south half street and right-of-way easement varies 10+ feet
<p><i>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.</i></p> <p>The proposed massage establishment use will add to the diversity of employment opportunities in the area and is consistent with surrounding uses.</p>			

CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; DIVERSE NEIGHBORHOODS; LAND USE PRINCIPLE: communities should consist of a mix of land uses to provide housing, shopping, dining and recreational options for residents.

The massage establishment will serve to increase the range of services available to nearby residents.

Applicable Plans, Overlays and Initiatives

Tree and Shade Master Plan

See Background Item #4.

Complete Streets Guiding Principles

See Background Item #5.

Reimagine Phoenix

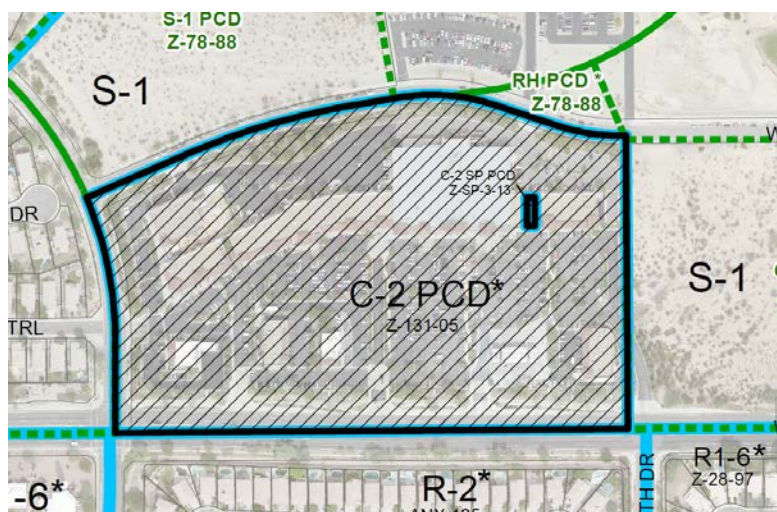
See Background Item #10.

Surrounding Land Uses/Zoning

	<u>Land Use</u>	<u>Zoning</u>
On Site	Commercial	C-2 PCD and C-2 SP PCD
North	Undeveloped /parking lot	S-1 (Approved S-1 PCD and RH PCD)
South	Single-Family Residential	R-2
East	Undeveloped vacant land	S-1 (Approved C-2 PCD)
West	Single-Family Residential	S-1 (Approved R-2 PCD)

Background/Issues/Analysis

1.



This is a request to rezone 22.22 acres from C-2 PCD (Intermediate Commercial, Planned Community District) and 0.03 acres from C-2 SP PCD (Intermediate Commercial, Special Permit, Planned Community District) to C-2 SP PCD (Intermediate Commercial, Special Permit, Planned Community District) to allow a therapeutic

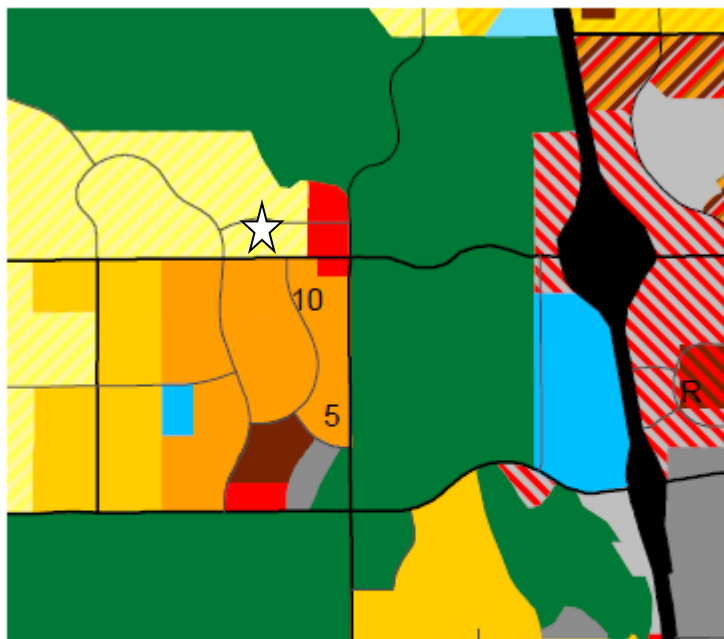
Source: City of Phoenix Planning and Development Department

massage business, and all underlying C-2 uses, within the Stetson Village shopping center. A small portion of the site (0.03 acres) has an existing Special Permit for a massage establishment and underlying C-2 uses.

2. The Stetson Village shopping center is located on the northeast corner of Happy Valley Road and 39th Avenue and is within the Stetson Hills PCD. The shopping center use was approved in 2005 through rezoning case Z-131-05. To ensure compliance with the stipulations adopted in the original case, including maintenance of the trail easement, stipulation no. 1 has been added. Since the site is already constructed, Street Transportation would like to ensure if the site gets redeveloped that the improvements are ADA compliant. This is addresses in stipulation no. 4.

The proposed Special Permit is for the entire shopping center. In 2013 there was a zoning case (Z-SP-3-13) for a massage establishment in a specific suite. The current rezoning request will supersede the prior approval and staff recommends a stipulation limiting the overall square footage of massage establishments to 5,000 square feet. This is addressed in stipulation no. 2.

- 3.



Source: City of Phoenix Planning and Development Department

- 0 to 1 du/acre - Large Lot
- 1 to 2 du/acre - Large Lot

The proposed use is not consistent with the Residential 0 to 2 dwelling units per acre designation shown on the General Plan Land Use Map, however the underlying C-2 zoning has already been established.

When the Stetson Hills PCD was approved, the General Plan analysis took into account the residential density of the overall development. The original PCD had this parcel zoned as RH (Resort District), which

was then modified in 2001 to C-O (Commercial Office). In 2005 the property was

rezoned C-2 for the existing shopping center. The two prior zoning requests did not trigger a General Plan Amendment.

4. The Tree and Shade Master Plan has a goal of treating the urban forest as infrastructure to ensure that trees are an integral part of the City's planning and development process. The proposal is being stipulated to comply with the 2005 zoning case, which included stipulations for general conformance to a specific landscape plan, a 75-foot enhanced landscape setback along 39th Avenue and Happy Valley Road and enhanced landscaped entry.
5. The proposed design is consistent with the City Council adopted Guiding Principles for Complete Streets, one tenet of which is to make Phoenix more walkable. The stipulations are intended to provide a safe and inviting pedestrian environment that encourages walkability and thermal comfort. The shopping center is completely constructed, but in the event of redevelopment, stipulation no. 1 will require compliance with the approved landscape plan and the required trail easement.

COMMUNITY INPUT

6. At the time the staff report was written, no community input has been received.

INTERDEPARTMENTAL COMMENTS

7. The City of Phoenix Floodplain Management Division of the Street Transportation Department has determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in a Shaded Zone X, on panel 1260 L of the Flood Insurance Rate Map (FIRM) dated June 06, 2014.
8. The City of Phoenix Aviation Department is proposing a stipulation to require the property owner to 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. This is addressed in stipulation no. 3.

OTHER

9. The site has not been identified as being archaeologically sensitive. However, in the event archaeological materials are encountered during construction, all ground disturbing activities must cease within 33-feet of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation no. 5.
10. As part of the Reimagine Phoenix initiative, the City of Phoenix is committed to increasing the waste diversion rate to 40 percent by 2020 and to better manage its solid waste resources. Section 716 of the Phoenix Zoning Ordinances establishes standards to encourage the provision of recycling containers for multifamily, commercial and mixed-use developments meeting certain criteria. The provision of recycling containers was not addressed in the applicant's submittals.

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 abandonment may be required.

Findings

1. This request is not in compliance with the General Plan Land Use Map Residential designation, however, a General Plan Amendment is not required since the land use is only being modified to add a Special Permit use. The request is to add an additional commercial use with no proposed changes to the existing shopping center.
2. The proposal will provide a specialized commercial service that caters to the diverse needs of the community within an existing shopping center.
3. The proposal will allow massage establishment operators the flexibility to locate within the shopping center without the need to acquire a Special Permit for a specific suite.

Stipulations

1. All stipulations from rezoning case nos. Z-131-05 and Z-78-88 shall apply unless otherwise modified below, as approved by the Planning and Development Department.
2. No more than 5,000 square feet shall be used for massage establishments, as approved by the Planning and Development Department.
3. The property owner shall record documents that 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.
4. 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.

5. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33 foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials

Writer

Kaelee Wilson

6/29/18

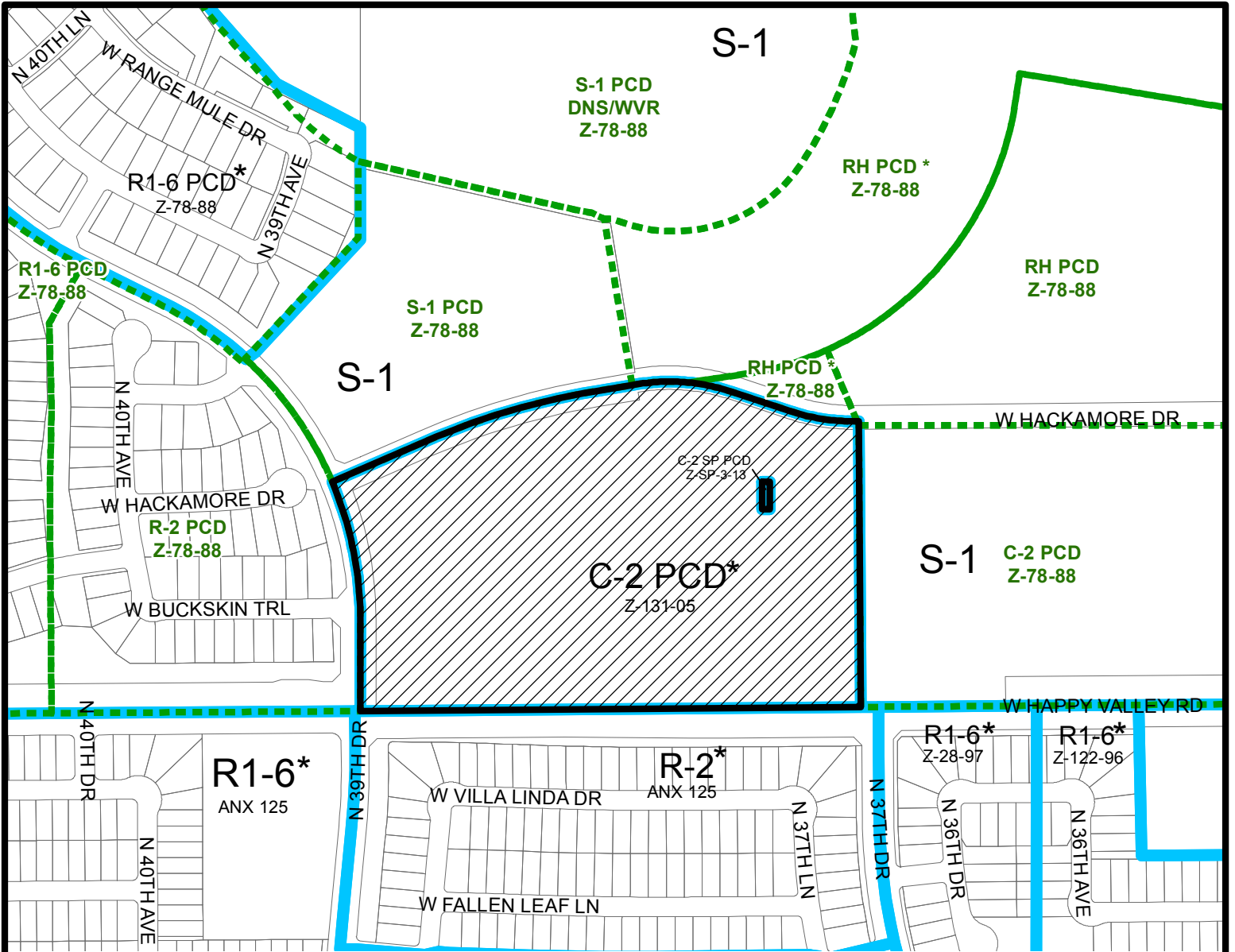
Team Leader

Samantha Keating

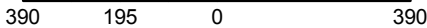
exhibits

Sketch Map

Aerial



Feet

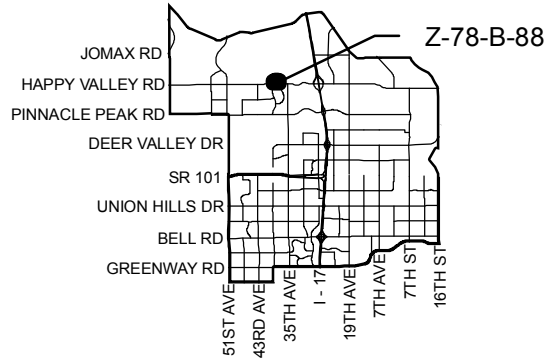


DEER VALLEY VILLAGE

CITY COUNCIL DISTRICT: 1

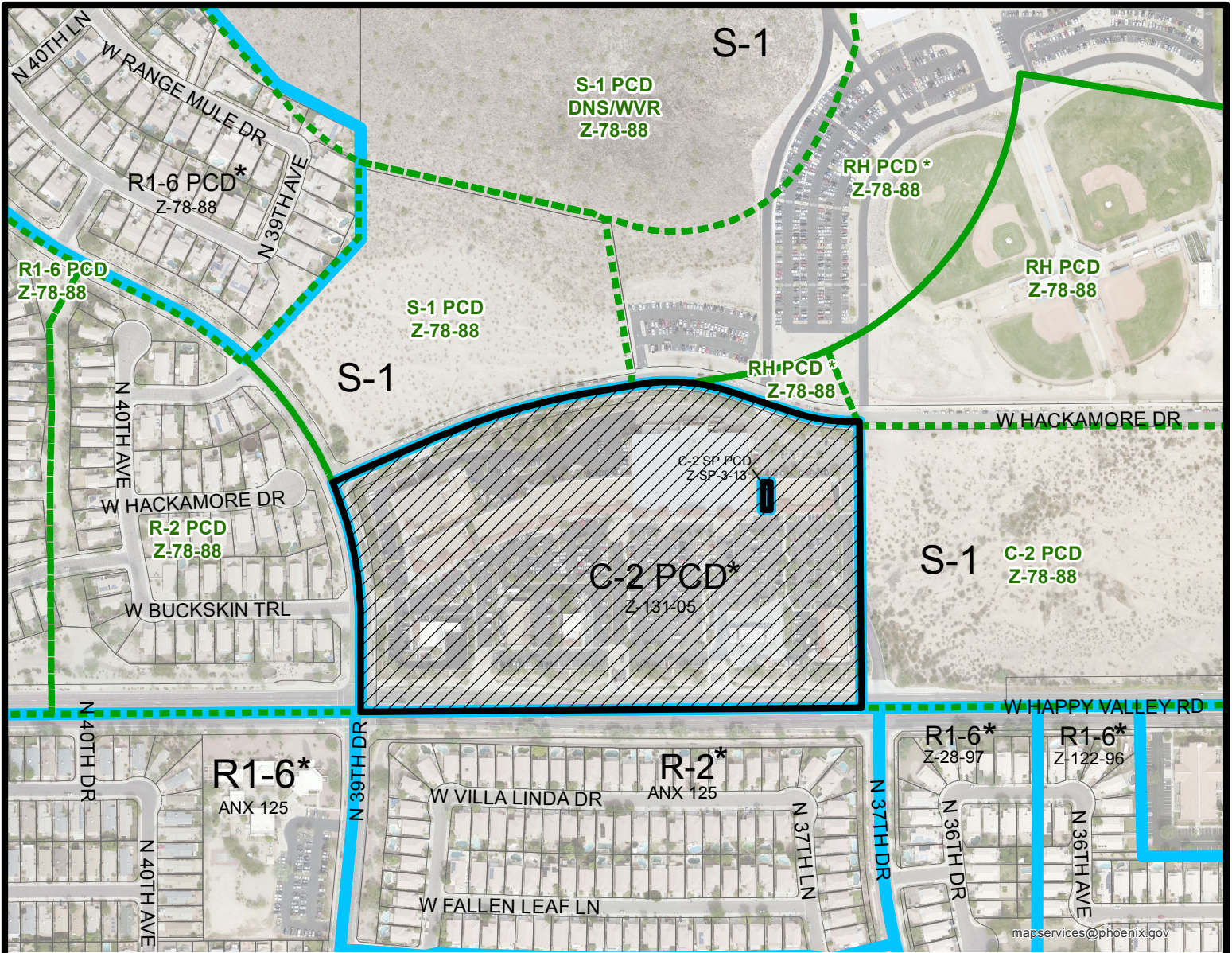


City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT



APPLICANT'S NAME: Stephen C. Earl, Earl, Curley & Lagarde		REQUESTED CHANGE:	
APPLICATION NO. Z-78-B-88	DATE: 6/26/2018 <small>REVISION DATES:</small>	FROM: C-2 PCD (22.22 a.c.) C-2 SP PCD (0.03 a.c.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> 22.25 Acres	<small>AERIAL PHOTO & QUARTER SEC. NO.</small> QS O-6	<small>ZONING MAP</small> 47-19	TO: C-2 SP PCD (22.25 a.c.)
MULTIPLES PERMITTED C-2 PCD, C-2 SP PCD C-2 SP PCD	CONVENTIONAL OPTION 322 322		* UNITS P.R.D. OPTION 387 387

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



Feet

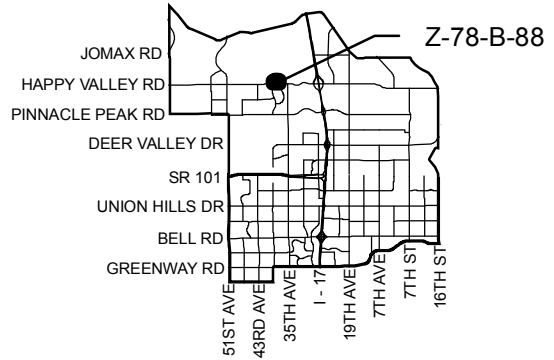
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GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.

22.25 Acres

AERIAL PHOTO & QUARTER SEC. NO.

QS O-6

ZONING MAP

47-19

REQUESTED CHANGE:

FROM: **C-2 PCD (22.22 a.c.)
C-2 SP PCD (0.03 a.c.)**

TO: **C-2 SP PCD (22.25 a.c.)**

MULTIPLES PERMITTED

C-2 PCD, C-2 SP PCD

C-2 SP PCD

CONVENTIONAL OPTION

322

322

*** UNITS P.R.D. OPTION**

387

387

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