



City of Phoenix
 PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report: Z-9-17-3
 April 11, 2017

Deer Valley Village Planning Committee Hearing Date: April 20, 2017
Planning Commission Hearing Date: May 4, 2017

Request From: C-O/M-O, Approved R-3A (0.72 acres)
Request To: C-1 (0.72 acres)
Proposed Use: Commercial/Retail
Location: Approximately 435 feet east of the southeast corner of 12th Street and Bell Road

Owner/Applicant: Metro Living on Bell, LLC
Applicant's Representative: David Cisiewski
Staff Recommendation: Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Designation		Residential 15+ dwelling units per acre	
Street Map Classification	Bell Road	Major Arterial	55 feet south half street
<u>CONNECT PEOPLE AND PLACES CORE VALUE</u>			
<i>OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.</i>			
It is reasonable to support an increase to C-1 zoning at the subject site. The site has been designed with a commercial use that will complement existing and proposed uses in the immediate area.			
<u>STRENGTHEN OUR LOCAL ECONOMY CORE VALUE</u>			
<i>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>			
The proposed zoning will allow the opportunity for a new business to locate in Phoenix, on the subject site.			

CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE

CERTAINTY AND CHARACTER; LAND USE PRINCIPLE: New development and expansion or redevelopment of existing development in or near residential areas should be compatible with existing uses and consistent with adopted plans.

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.

The proposed zoning will allow for the site to develop with a neighborhood retail use that is designed to complement the proposed residential to the south. The proposed new development will also contribute to ongoing enhancements that are occurring in the area.

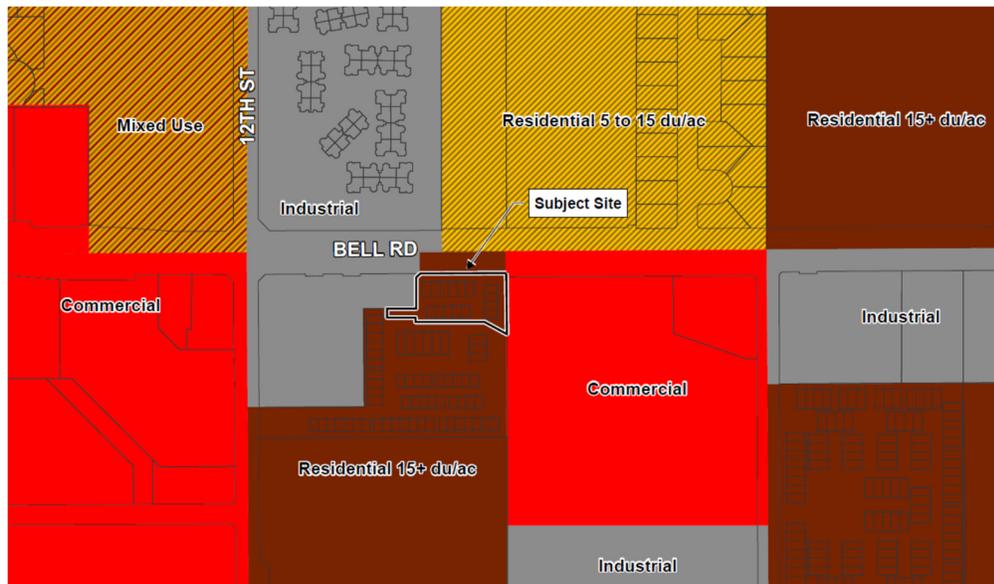
Surrounding Land Uses/Zoning		
	<u>Land Use</u>	<u>Zoning</u>
On Site	Vacant	C-O/M-O, Approved R-3A
North	Multifamily residential condominiums and mobile home park	R-4A
South	Vacant (Proposed single-family attached homes)	C-O/M-O, Approved R-3A
East	Grocery store and fuel station	C-2
West	Vacant retail store building	C-O/M-O C-O/M-O, Approved R-3A C-1

C-1 (Neighborhood Retail)		
<u>Standards</u>	<u>Requirements</u>	<u>Proposed</u>
<i>Building Setbacks</i>		
Street	Minimum 20 feet, Average 25 feet	Met – 25 feet
Interior sides	10 feet for 15-foot high building	Met – Approx. 50 feet
<u>South</u>	0 feet	Met – Approx. 100 feet
<u>East</u>	10 feet	Met – Approx. 67 feet
<u>West</u>		
<i>Landscape Setbacks</i>		
Street	Minimum 20 feet, Average 25 feet	* Not Met – Approx. 13 feet
Interior sides	10 feet	* Not Met – Approx. 0 feet
<u>South</u>	0 feet	Met – Approx. 5 feet
<u>East</u>	10 feet	* Not Met – Approx. 0 feet
<u>West</u>		
Lot Coverage	Maximum 50%	Met – 10%
Building Height	Maximum 30 feet	Unknown at this time
Parking	Minimum 27 spaces	Met – 30 spaces

* The site plan will need to be modified to meet the minimum requirements or a variance would be required to vary from the minimum requirements.

Background/Issues/Analysis

1. This is a request to rezone a 0.72-acre site from C-O/M-O, Approved R-3A (Commercial Office/Major Office option, Approved Multifamily Residence District) to C-1 (Neighborhood Retail) to allow for commercial/retail.
2. The property has a General Plan Land Use Map designation of Residential 15+ dwelling units per acre, as does the site to the south with a portion wrapping around



the west side. The remaining west side of the site is designated Industrial. The area east of the site is designated Commercial and the area to the north is designated as Residential 5 to 15 dwelling units per acre. The rezoning proposal is not consistent with the current General Plan land use designation; however a general plan amendment is not required because the rezoning request is for less than 10 acres.

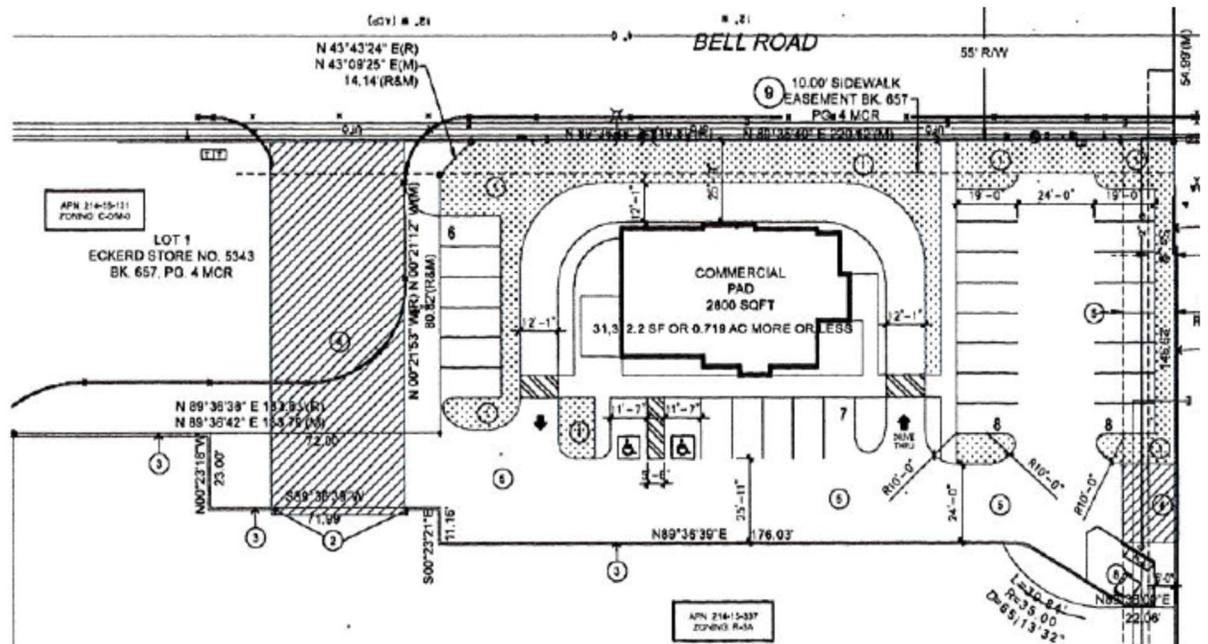
3. Currently, the subject site is vacant. The area north of Bell Road is zoned R-4A (Multifamily Residence District) and is developed with multifamily residential condominiums to the northwest and a mobile home park to the northeast. The property to the east is zoned C-2 (Intermediate Commercial) and was recently developed with a Fry's grocery store and fuel station. The vacant area to the south



and a portion of the west side is zoned C-O/M-O, Approved R-3A (Commercial Office/Major Office option, Approved Multifamily Residence District) and is proposed to develop with single-family attached homes. The remaining site to the west is zoned C-O/M-O and C-1 (Neighborhood Retail). The C-O/M-O portion is only developed with a driveway and drive aisle to access the adjacent site to the west, and will also serve as access for the proposed development and future development to the south. The C-1 portion is developed with a vacant retail store building.

4. The site was previously planned to develop under the approved R-3A zoning with single-family attached homes. However, the request includes a portion of the previously approved R-3A area to allow a compatible neighborhood commercial use that would complement the residential development proposed to the south.

5. The proposed site plan depicts a 2,800-square foot building with a drive through. Parking is proposed along the south, east, and west sides of the site. Although not clear on the proposed site plan, the existing driveway west of the site is planned to be modified to provide access to the proposed development as well as the future residential development to the south. An additional vehicular access point is proposed on the east side of the site along Bell Road. Cross access may also be provided on the east side of the site to provide access between the proposed commercial site and existing commercial to the east. A variance is required to allow access between less restrictive zoning and more restrictive zoning. The proposed landscape setbacks along the north, south, and west do not meet the minimum standards for C-1 zoning. The site plan will either need to be modified or variances will be required to vary from the minimum requirements. A stipulation requiring general conformance to the site plan is not proposed, since there may be changes made to the site plan.



6. Building elevations were not submitted with the rezoning application. As such, a stipulation has been proposed requiring Planning Hearing Officer (PHO) review of the future elevations. The PHO review will specifically require that the proposed building complement the architecture of the existing developments to the east and west.
7. Additional staff recommended stipulations include the following:
 - a. Specific plant palette as required by previous rezoning case.
 - b. Screening for the drive through.
 - c. Convenient pedestrian access between the proposed building and the future residential development to the south.
8. The Street Transportation Department does not require any specific right-of-way dedications or improvements, however any improvements related to ADA accessibility standards shall be completed.

9. No known archaeological work is necessary for this project. 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.
10. The subject site is located in proximity to the Deer Valley Airport. As such the Aviation Department has proposed a stipulation requiring property owners to disclose the existence and operational characteristics of the Deer Valley Airport to future owners or tenants of the property. The requested Notice to Prospective Purchasers follows policy set regarding the properties in the City of Phoenix underlying the flight patterns of the Phoenix Deer Valley Airport.
11. No fire code issues are anticipated with this case and the site and/or buildings shall comply with the Phoenix Fire Code.
12. 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 1295 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013.
13. The City of Phoenix Water Services Department has noted the property has existing water and sewer mains that can potentially serve the proposed development. The requirements and assurances for water and sewer service are determined during the site plan application review.
14. 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. The request is not consistent with the General Plan Land Use Map designation of Residential 15+ dwelling units per acre, however a general plan amendment is not required because the rezoning request is for less than 10 acres.
2. The proposed zoning and use will complement existing and planned uses in the area.

Stipulations

1. Conceptual building elevations shall be reviewed and approved by the Planning Hearing Officer through the public hearing process for stipulation modification prior to preliminary site plan approval. The building elevations shall complement the architecture of the existing developments to the east and west. This is a legislative review for conceptual purposes only. Specific development standards and requirements will be determined by the Planning Hearing Officer and the Planning and Development Department.

2. The plant palette in the landscape setbacks adjacent to Bell Road shall be similar to that of the adjacent C-1 site, located at the southeast corner of 12th Street and Bell Road, as approved by the Planning and Development Department. The plant palette shall include palo brea or palo verde trees placed to shade the sidewalk and lantana for color accent.
3. The drive through shall be screened from the street by a minimum 3-foot high solid wall or a combination of open fencing and landscaping. If a fence is utilized, vines shall be provided and maintained on the exterior, covering a minimum of 50 percent of the fence within 2 years of planting, as approved by the Planning and Development Department.
4. The developer shall provide convenient pedestrian access between the main entrance/s to the proposed building and the planned residential development to the south, as approved by the Planning and Development Department.
5. 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.
6. 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.
7. 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.

Writer

Racelle Escolar

April 11, 2017

Team Leader

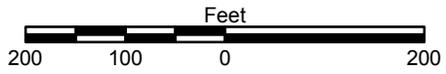
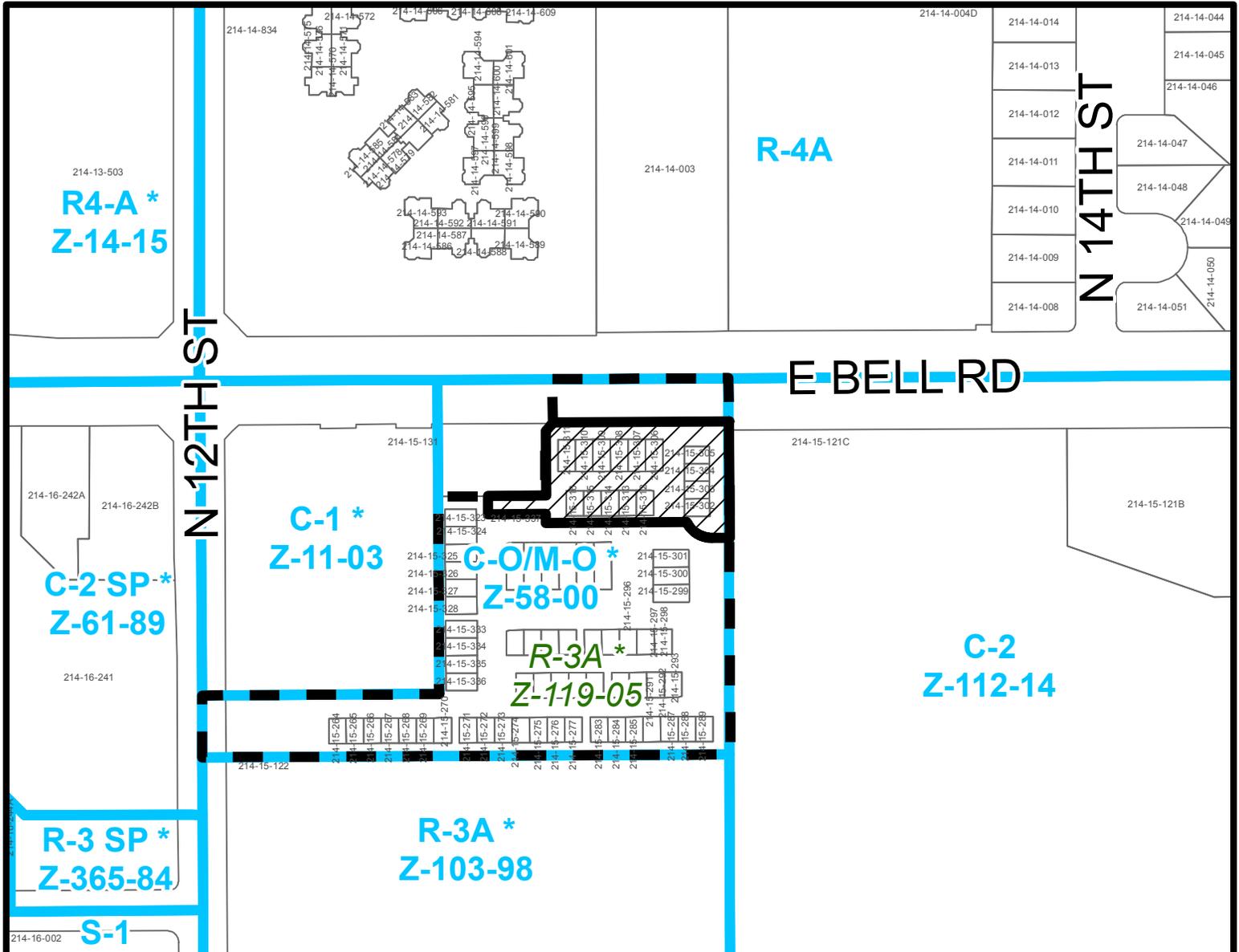
Joshua Bednarek

Attachments:

Sketch Map

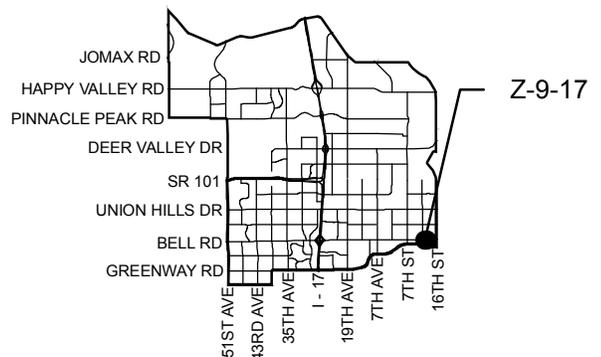
Aerial Map

Site Plan date stamped January 31, 2017



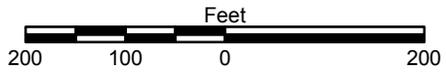
DEER VALLEY VILLAGE

CITY COUNCIL DISTRICT: 3



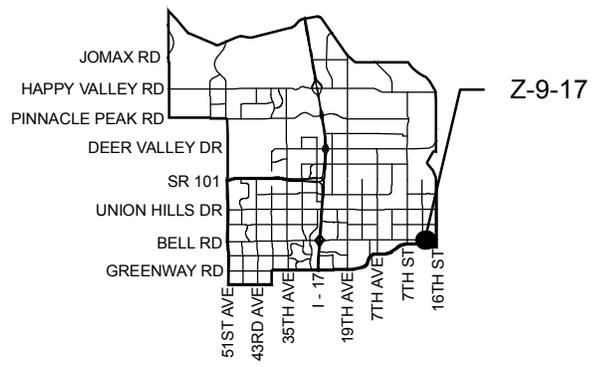
APPLICANT'S NAME: Metro Living on Bell, LLC		REQUESTED CHANGE: FROM: C-O/M-O (Approved R-3A), (0.72 a.c.) TO: C-1, (0.72 a.c.)	
APPLICATION NO. Z-9-17	DATE: 03/09/2017	REVISION DATES: 03/20/2017	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 0.72 Acres	AERIAL PHOTO & QUARTER SEC. NO. QS 36-30		
MULTIPLES PERMITTED C-O/M-O (Approved R-3A) C-1	CONVENTIONAL OPTION N/A (16) 10	* UNITS P.R.D. OPTION N/A (19) 12	

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



DEER VALLEY VILLAGE

CITY COUNCIL DISTRICT: 3



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APPLICATION NO. Z-9-17	DATE: 03/09/2017	REVISION DATES: 03/20/2017	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 0.72 Acres	AERIAL PHOTO & QUARTER SEC. NO. QS 36-30	ZONING MAP M-9	
MULTIPLES PERMITTED C-O/M-O (Approved R-3A) C-1	CONVENTIONAL OPTION N/A (16) 10		* UNITS P.R.D. OPTION N/A (19) 12

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

JAN 31 2017

Planning & Development Department

SITE PLAN KEYNOTES

- 1 PROPOSED LANDSCAPE AREAS
- 2 PROPOSED ENTRY ACCESS TO RESIDENTIAL DEVELOPMENT
- 3 PROPOSED 6' CMU WALL BETWEEN RESIDENTIAL AND COMMERCIAL
- 4 PROPOSED CROSS ACCESS
- 5 PAVED AREAS
- 6 NEW 6' CMU WALL
- 7 EXISTING CMU WALL TO REMAIN
- 8 PROPOSED TRASH ENCLOSURE
- 9 10' SIDEWALK SET BACK

LEGAL DESCRIPTION

NEW COMMERCIAL LOT ENCAVATED AT BELL RD.
LEGAL DESCRIPTION LOT 1
THAT PORTION OF "BERKANA ON 12TH STREET" ACCORDING TO BOOK 668 OF MAPS, PAGE 8 RECORDS OF MARICOPA COUNTY, ARIZONA, BEING PLATED IN THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 3 NORTH, RANGE 1 EAST, OF THE GRAND SALT RIVER BASIN AND MERIDIAN, MARICOPA COUNTY, ARIZONA,
COMMENCING AT A BRASS CAP HANDHOLE MARKING THE NORTH QUARTER CORNER OF SAID SECTION 4,
THENCE ALONG THE NORTH LINE OF SAID SECTION 4, LINE ALSO BEING THE MONUMENT LINE OF BELL ROAD, NORTH 89 DEGREES 35 MINUTES 58 SECONDS EAST A DISTANCE OF 680.14 FEET,
THENCE LEAVING SAID NORTH LINE, SOUTH 00 DEGREES 22 MINUTES 24 SECONDS EAST A DISTANCE OF 54.89 FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID BELL ROAD, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING,
THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE, SOUTH 00 DEGREES 22 MINUTES 00 SECONDS EAST A DISTANCE OF 143.93 FEET,
THENCE SOUTH 88 DEGREES 38 MINUTES 30 SECONDS WEST A DISTANCE OF 22.06 FEET TO A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 30.30 FEET,
THENCE ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 48 DEGREES 13 MINUTES 32 SECONDS AN ARC DISTANCE OF 39.84 FEET,
THENCE LEAVING SAID CURVE TO THE RIGHT, SOUTH 89 DEGREES 36 MINUTES 39 SECONDS WEST, 19.03 FEET,
THENCE NORTH 00 DEGREES 23 MINUTES 21 SECONDS WEST A DISTANCE OF 11.14 FEET,
THENCE SOUTH 89 DEGREES 38 MINUTES 39 SECONDS WEST A DISTANCE OF 71.98 FEET,
THENCE NORTH 00 DEGREES 23 MINUTES 18 SECONDS WEST A DISTANCE OF 73.00 FEET,
THENCE NORTH 89 DEGREES 38 MINUTES 42 SECONDS EAST A DISTANCE OF 133.78 FEET,
THENCE NORTH 00 DEGREES 23 MINUTES 12 SECONDS WEST A DISTANCE OF 89.88 FEET,
THENCE NORTH 43 DEGREES 39 MINUTES 26 SECONDS EAST A DISTANCE OF 14.14 FEET TO THE SAID SOUTH RIGHT OF WAY LINE OF BELL ROAD,
THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, SOUTH 89 DEGREES 38 MINUTES 42 SECONDS WEST A DISTANCE OF 223.12 FEET TO THE TRUE POINT OF BEGINNING.

SITE PLAN GENERAL NOTES

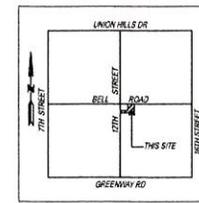
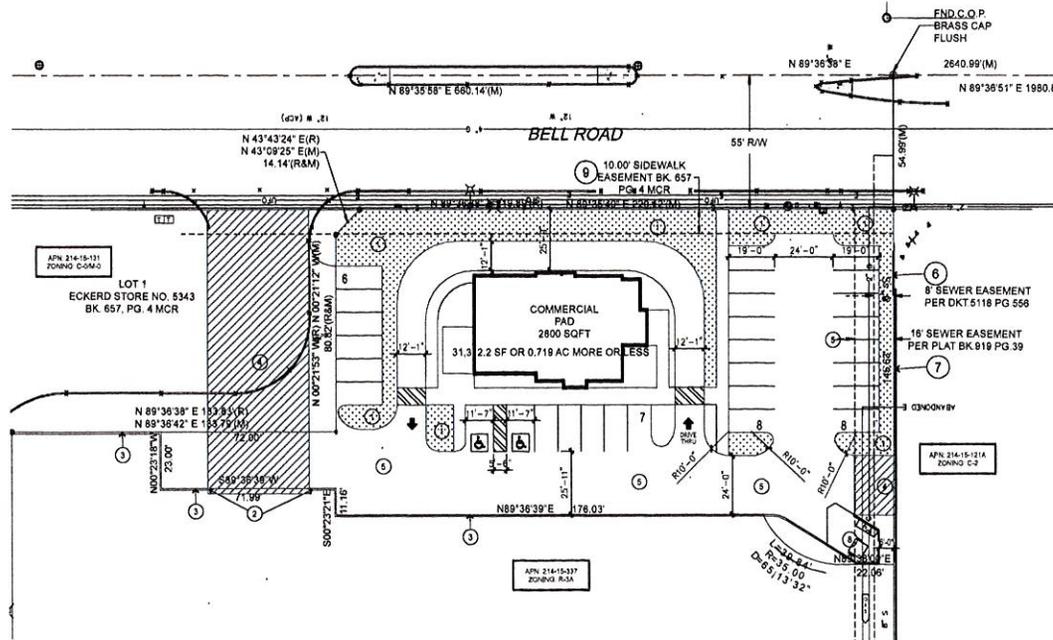
1. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM WITH ALL APPLICABLE CODES AND ORDINANCES.
2. ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.
3. STRUCTURES AND LANDSCAPING WITHIN A TRAVEL MEASURED BACK 10' FROM THE PROPERTY LINE AND 20' ALONG THE PROPERTY LINE ON EACH SIDE OF THE DRIVEWAY ENTRANCES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 7'.
4. ANY LIGHTING WILL BE PLACED 50 AS TO DIRECT LIGHT AWAY FROM ADJACENT RESIDENTIAL DISTRICTS AND WILL NOT EXCEED ONE FOOT CANDLES AT THE PROPERTY LINE. NO NOISE, ODOR, OR VIBRATION WILL BE EMITTED AT ANY LEVEL EXCEEDING THE GENERAL LEVEL OF NOISE, ODOR, OR VIBRATION EMITTED BY USES IN THE AREA OUTSIDE OF THE SITE.
5. OWNERS OF PROPERTY ADJACENT TO THE PUBLIC RIGHTS-OF-WAY WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING LOCATED WITHIN THE RIGHTS-OF-WAY. THE EXISTING STRUCTURES MUST COMPLY WITH THE CHANGE OF OCCUPANCY PROVISIONS IN THE PHOENIX CONSTRUCTION CODE PRIOR TO USE.
7. AFTER FINAL APPROVAL THE PROJECT WILL BE INSPECTED FOR ZONING COMPLIANCE DURING CONSTRUCTION AND PRIOR TO OCCUPANCY. THE APPLICANT IS TO NOTIFY CDD PRIOR TO OCCUPANCY TO ARRANGE FOR INSPECTIONS. CALL 262-6861 AND REQUEST A DESIGN REVIEW INSPECTION.
8. ALL ROOFTOP EQUIPMENT AND SATELLITE DISHES SHALL BE SCREENED TO THE HEIGHT OF THE TALLEST EQUIPMENT.
9. ALL SERVICE AREAS SHALL BE SCREENED TO CONCEAL TRASH CONTAINERS, LOADING DOCKS, TRANSFORMERS, BACKFLOW PREVENTERS AND OTHER MECHANICAL OR ELECTRICAL EQUIPMENT FROM EYE LEVEL ADJACENT TO ALL PUBLIC STREETS.
10. BARBED WIRE OR CONCRETE WALL SHALL NOT BE USED ON THIS SITE WHERE VISIBLE FROM PUBLIC STREETS OR ADJACENT RESIDENTIAL AREAS.
11. SIGNAGE WILL BE REVIEWED UNDER SEPARATE PERMIT.
12. WALLS ARE NOT APPROVED AS PART OF THE LANDSCAPE PLAN BUT ARE SHOWN FOR REFERENCE ONLY. WALLS ARE EXISTING.
13. ALL RAMPS MUST MEET ADA ACCESSIBILITY GUIDELINES (ADA401) STANDARDS. 2% MAX CROSS SLOPES AND 12:1 MAXIMUM LONGITUDINAL SLOPES.

PROJECT DESCRIPTION

THE SITE PLAN FOR 12TH STREET AND BELL RD IS PAD FOR 2800 SQFT COMMERCIAL DRIVE THRU. THE SITE PLAN PROPOSES THE ACCESS TO ALL ADJACENT PROPERTIES.

PROJECT DATA

OWNER:	JUSTIN JOHNSON METRO LIVING LLC 13430 N. SCOTTSDALE RD., STE 202 SCOTTSDALE, AZ 85254 (602)722-9660
ADDRESS:	18375 N 12TH STREET PHOENIX ARIZONA
SITE AREA (GROSS):	+/- 0.719 ACRES (31,312.1 S.F.)
SITE AREA (NET):	+/- 0.690 ACRES (30,056.4 S.F.)
LANDSCAPE AREA REQUIRED PROPOSED:	10% OF 31,312.3 131.80 FT 4,905.80 FT / 31,312.3 = 15.6%
PROPOSED USE:	COMMERCIAL PAD
ZONING:	C-2 PAD
BUILDING AREA SUMMARY:	2800 SQFT RESTAURANT PAD 624 KITCHEN AND STORAGE OF 2630 SQFT + 1680 SQFT 40% DINING OF 2600 SQFT + 200 SQFT PATIO = 1320 SQFT
PARKING SUMMARY:	REQUIRED SPACES 50/SOFT PROVIDED
	26.4 SPACES REQ. 29 SPACES



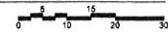
VICINITY MAP

NOT TO SCALE

APN 214-15-137
MARICOPA COUNTY, ARIZONA



SITE PLAN
1" = 20'-0"



12TH STREET AND BELL RD
COMMERCIAL PAD
12TH STREET AND BELL RD
PHOENIX, ARIZONA

SHEET TITLE
SITE PLAN

SHEET NUMBER
SP-01

DATE: 01/29/2017