



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**Staff Report Z-92-16-1**  
March 2, 2017

**Deer Valley Village Planning Committee Meeting Date:** March 16, 2017

**Planning Commission Hearing Date:** April 6, 2017

**Request From:** R1-8 (10.07 acres)

**Request To:** R1-8 (10.07 acres)

**Proposed Use:** Single-family residential subdivision

**Location:** Approximately 130 feet south of the southeast corner of 41st Avenue and Rose Garden Lane

**Owner:** Advinow, LLC; Attn: James Bates

**Applicant / Representative:** Earl, Curley & Lagarde, PC; Rod Jarvis / Troy Jarvis, Jarvis Real Estate Group

**Staff Recommendation:** Approval, subject to stipulations

<b>General Plan Conformity</b>			
<b>General Plan Land Use Designation</b>		Residential 3.5 to 5 du / acre	
<b>Street Map Classification</b>	41st Avenue	Local	25 feet east half street width
<b><u>CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE</u></b>			
<b>CERTAINTY AND CHARACTER –</b>			
<b>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.</b>			
<b>DESIGN PRINCIPLES:</b>			
<ul style="list-style-type: none"> <li>• <b>Protect and enhance the character of each neighborhood and its various housing lifestyles through new development that is compatible in scale, design, and appearance.</b></li> <li>• <b>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.</b></li> </ul>			

The proposed zoning will allow for development that is compatible in scale, design, and appearance with the surrounding residential uses. The site plan proposes adequate development standards, such as the landscape setbacks along 41st Avenue and the open space provided along the south portion of the site.

- ***Protect the neighborhood’s views of open space, mountains, and man-made or natural landmarks.***

Staff is recommending a stipulation to limit some of the homes to one story in order to preserve views of the open space and mountains to the west of the site.

***CLEAN NEIGHBORHOODS – LAND USE PRINCIPLE: Facilitate the acquisition of vacant, underutilized and blighted parcels for appropriate redevelopment, compatible with the adjacent neighborhood character and adopted area plans.***

The proposed zoning will allow for the development of underutilized lots, in a manner that is compatible with the surrounding neighborhood.

***BUILD THE SUSTAINABLE DESERT CITY CORE VALUE***

***TREES AND SHADE – DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout phoenix.***

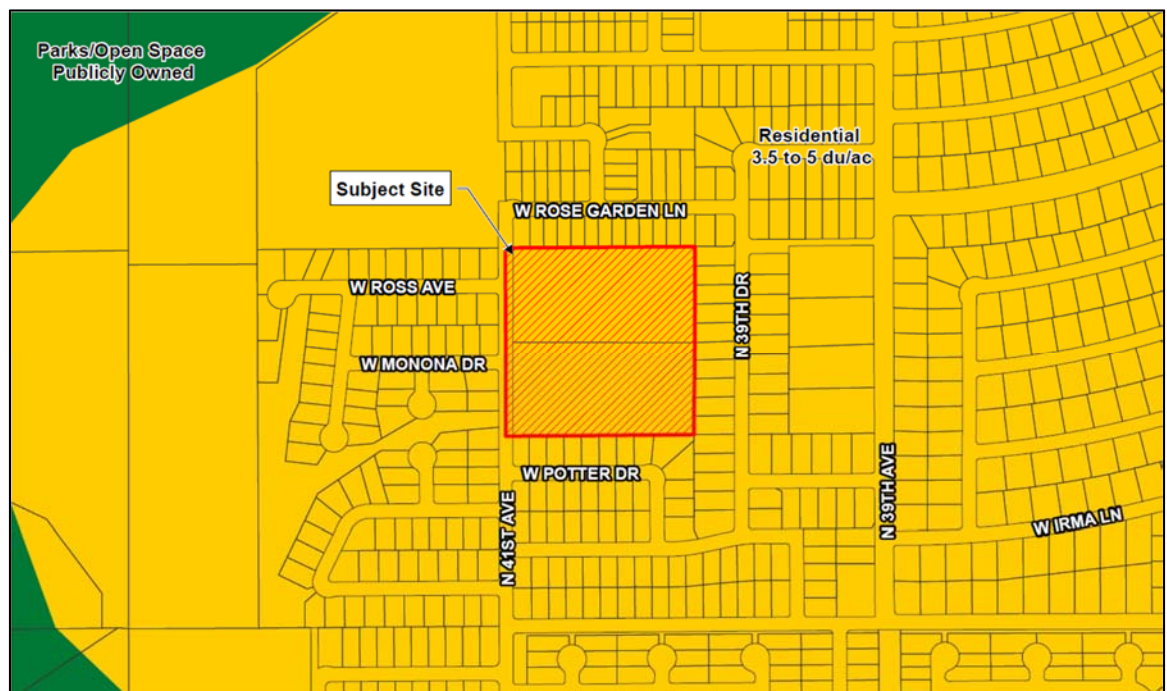
There are a significant amount of mature trees and vegetation on the site. The city’s landscape inventory and salvage plan requirements will allow for the opportunity to maintain some of the large mature trees located on the site.

<b>Surrounding Land Uses/Zoning</b>		
	<b><u>Land Use</u></b>	<b><u>Zoning</u></b>
<b>On Site</b>	Residential, unsubdivided	R1-8
<b>North</b>	Single-family subdivision	R1-6
<b>South</b>	Single-family subdivision	R1-6
<b>East</b>	Single-family subdivision	R1-8
<b>West</b>	Single-family subdivision	R1-8

<b>R1-8, Single-Family Residence District (Planned Residential Development Option)</b>		
<b><u>Standards</u></b>	<b><u>Requirements</u></b>	<b><u>Proposed</u></b>
Gross Acreage		10.07 acres
Total Number of Units	N/A	50
Density (dwelling units/acre)	4.5, maximum 5.5 with bonus	Met – 4.97
Typical Lot Size	Minimum 45-foot wide	Met – Minimum 45-foot wide
Subject to Single-Family Design Review	If 10% or more lots are equal to or less than 65' wide	Yes
<b><i>Building Setbacks</i></b>		
Perimeter	<u>Street (front, rear or side):</u> 15 feet (in addition to landscape setback)  <u>Rear:</u> 15 feet (1-story), 20 feet (2-story) <u>Side:</u> 10 feet (1-story), 15 feet (2-story)	<u>Street (front, rear or side):</u> Not shown – Width of Lot 1 may need to be increased in order to meet minimum setback. <u>Rear:</u> Note defers to PRD standards. <u>Side:</u> Note defers to PRD standards.
Front	10 feet Front loaded garage setback: 18 feet from back of sidewalk	Met – 10 feet Front loaded garage setback: 18 feet from back of sidewalk
Rear	Per Building Code	Met – Per Building Code
<b><i>Building Setbacks</i></b>		
Side	Street side: 10 feet  Other: Per Building Code	Met – Note defers to PRD standards. Other: Per Building Code
<b><i>Landscape Setbacks</i></b>		
Perimeter Street	15 feet average, 10 feet minimum (Does not apply to lots fronting onto perimeter streets)	Met – 15 feet minimum
Building Height	2 stories and 30 feet	Met – 1 and 2 stories
Lot Coverage	Primary structure, not including attached shade structures: Maximum 40% Total: Maximum 50%	Not shown
Common Area	Minimum 5% of gross area	Met – 12.9%

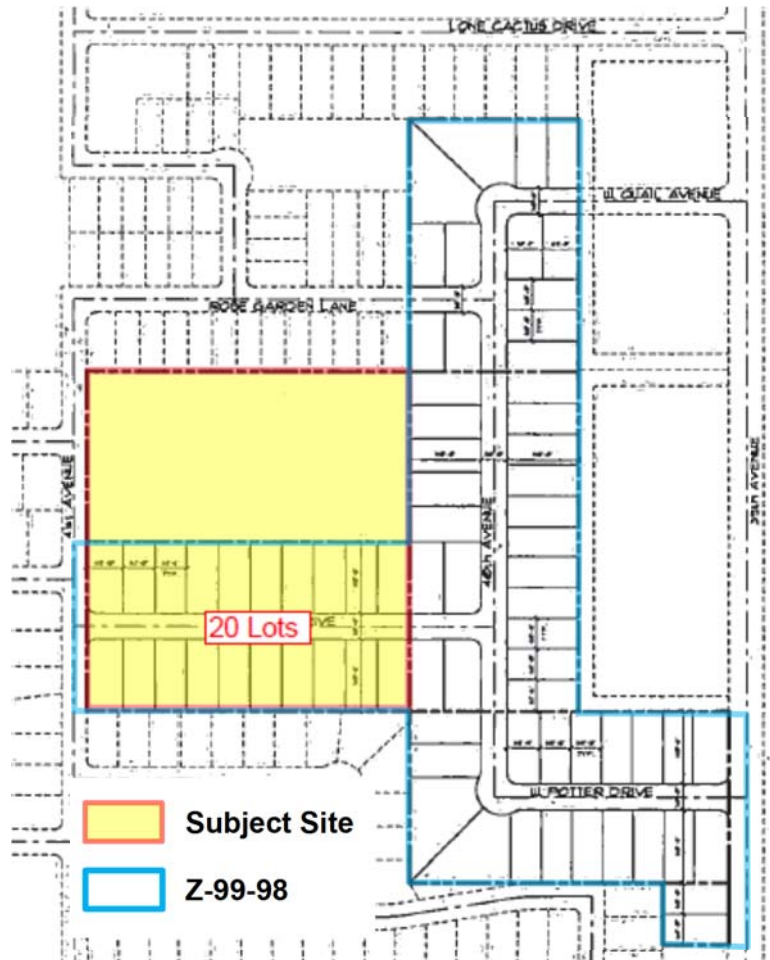
## **Background/Issues/Analysis**

1. This is a request to rezone a 10.07-acre site located approximately 130 feet south of the southeast corner of 41st Avenue and Rose Garden Lane from R1-8 (Single-family Residential) to R1-8 under the Planned Residential Development (PRD) option to allow a new single-family residential subdivision consisting of 50 lots.
2. The General Plan Land Use Map designation for the subject site is Residential 3.5 to 5 dwelling units per acre. The requested R1-8 zoning district allows for a density of up to 5.5 dwelling units per acre which is consistent with the General Plan. The proposal conforms to the Land Use Map designation on the subject site.

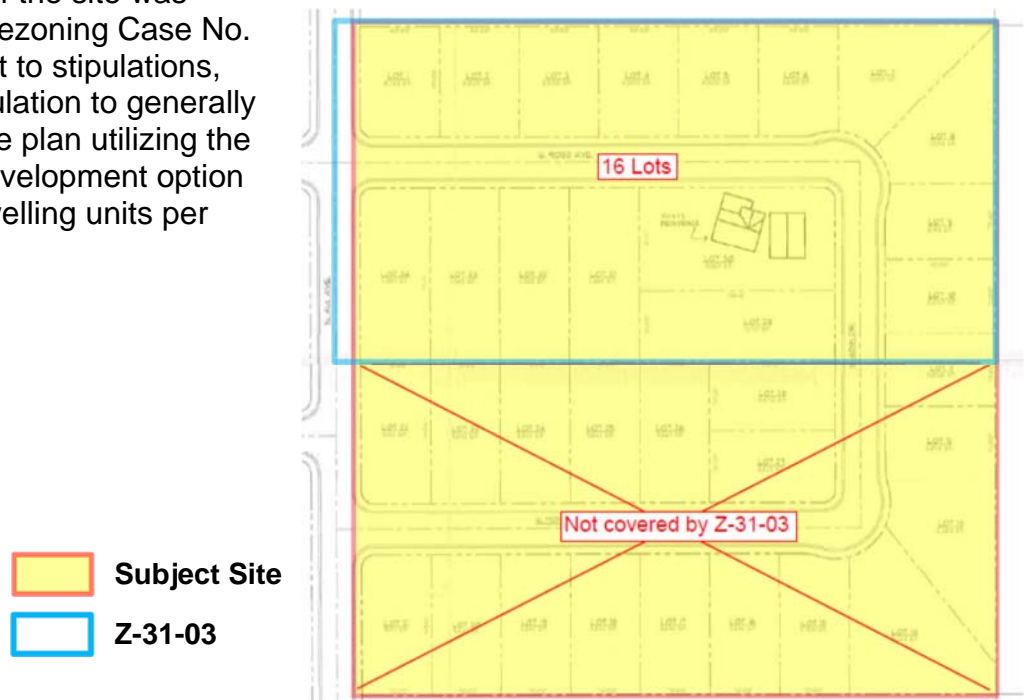


3. The subject site consists of two unsubdivided lots with one residential home and accessory buildings. The site was previously rezoned to R1-8 zoning under two separate rezoning cases with varying stipulations. The proposed rezoning would allow for updated stipulations to apply to the entire site.

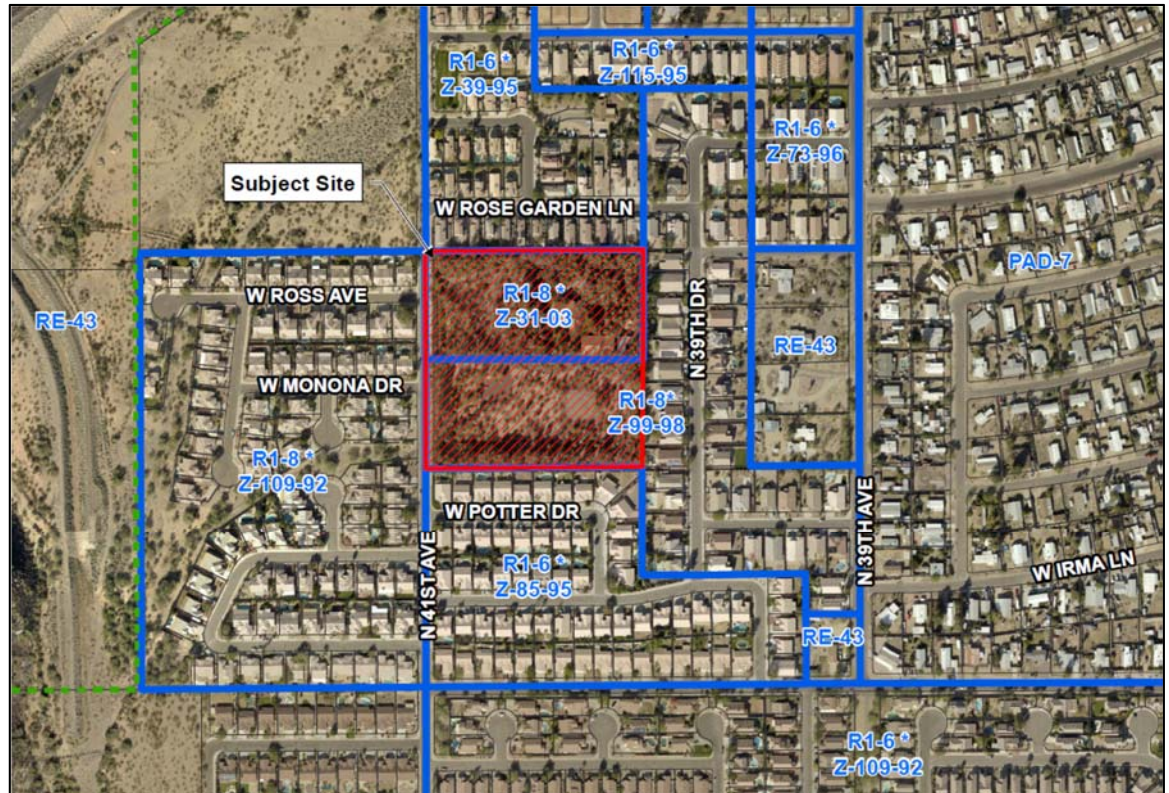
The south half of the site was approved per Rezoning Case No. Z-99-98, subject to stipulations, including a stipulation to generally conform to a site plan utilizing the average lot development option (maximum 4.3 dwelling units per acre). This rezoning case also included land to the east of the subject site which developed with single-family homes (Sunset Trails III) in 2004.



The north half of the site was approved per Rezoning Case No. Z-31-03, subject to stipulations, including a stipulation to generally conform to a site plan utilizing the conventional development option (maximum 4 dwelling units per acre).



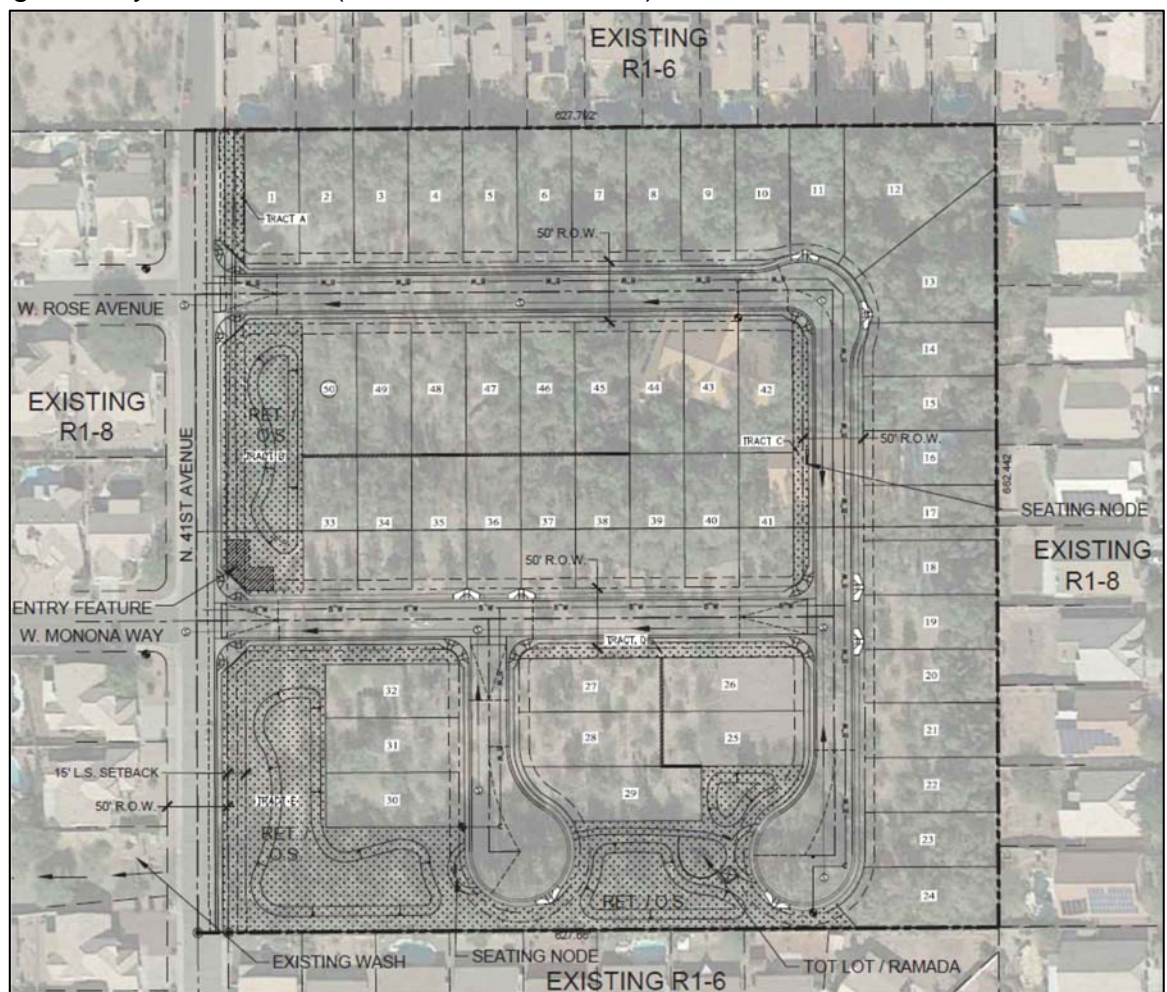
The site is surrounded by other traditional lot single-family homes. The zoning to the north and south is R1-6 with an average density of 5.03 dwelling units per acre. The zoning to the east and west is R1-8. The subdivision to the west transitions into open space and a county flood control area and has a density of 3.47 dwelling units per acre. The subdivision to the east includes a portion of the average lot subdivision that was developed as part of Rezoning Case No. Z-99-98 and has an approximate density of 3.47 dwelling units per acre.



4. There are a significant amount of mature trees and vegetation on the site. Landscape inventory and salvage plan/s will be required through the development review process.



5. The proposed site plan shows a 50-lot, single-family residential subdivision with open space provided along 41st Avenue and along the south portion of the site. The maximum permitted density for the proposed R1-8 zoning is 4.50 dwelling units per acre and 5.5 dwelling units per acre with a density bonus. The applicant is proposing 4.97 dwelling units per acre. The lots are proposed with a minimum lot width of 45 feet. Building elevations have not been submitted, however, since more than 10% of the lots will be 65 feet wide or less, the subdivision will be subject to single-family design review requirements, per Section 507 Tab A.II.C.8.a. of the Zoning Ordinance. This will allow for the opportunity for diversity between the proposed housing products. Examples of potential housing types have been submitted which depict traditional single-family tract homes (see attached exhibits).



6. Staff is recommending a stipulation to ensure that the site develops with some one-story homes on the north and east perimeter of the site in order to be compatible with the surrounding homes and to preserve views in the area.

7. The Archaeology Office has recommended that no archaeological work is necessary for this project. However, if any archaeological materials are encountered during construction, all ground-disturbing activities must cease within 10 meters of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials.
8. The subject parcel 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.
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 1270 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013.
10. The Street Transportation Department is requiring that the developer 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 City. All improvements shall comply with all ADA accessibility standards.
11. The Water Services Department has indicated that there are existing water and sewer mains in 41st Avenue to serve the site. Water and sewer main extensions will be required within the proposed right-of-ways to serve the individual lots.
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 proposed development conforms to the General Plan Land Use Map designation of Residential 3.5 to 5 dwelling units per acre.
2. The proposal is compatible with the existing land use pattern in the area and will allow for revised zoning stipulations.

### **Stipulations**

1. A minimum of 50% of the perimeter lots on the north and east sides of the site shall be one story and a maximum of 20 feet in height, as approved by the Planning and Development Department.



2. 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.
3. 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.
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.

**Writer**

Racelle Escolar

March 2, 2017

**Team Leader**

Joshua Bednarek

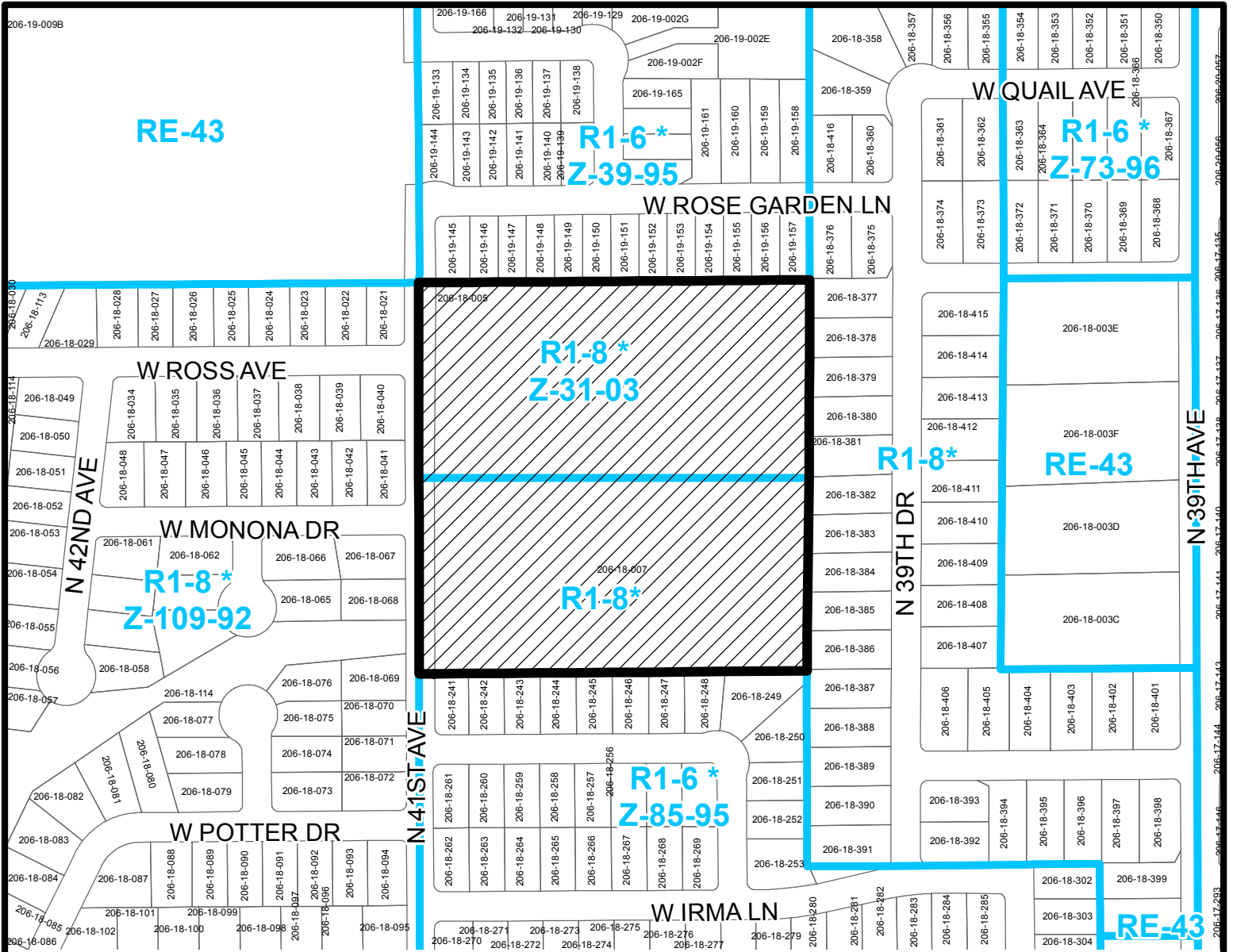
**Exhibits**

Zoning sketch

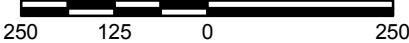
Aerial map

Site plan dated February 21, 2017 (2 pages)

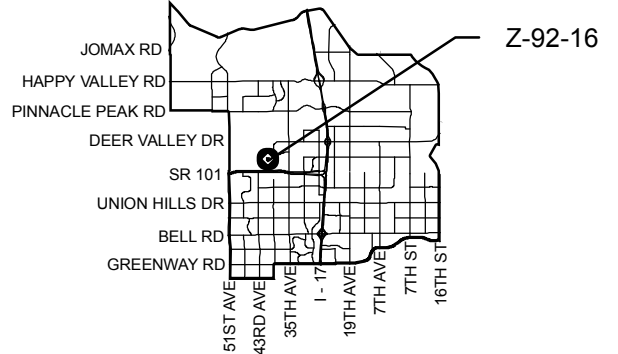
Examples of Potential Housing Types (2 pages)



Feet



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



APPLICANT'S NAME: Earl, Curley & Lagarde, PC; Rod Jarvis

APPLICATION NO. Z-92-16

DATE: 12/13/2016

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

REVISION DATES:  
2/9/2017

AERIAL PHOTO & QUARTER SEC. NO. QS 41-19  
ZONING MAP N-6

REQUESTED CHANGE:

FROM: R1-8, (10.07 a.c.)

TO: R1-8, (10.07 a.c.)

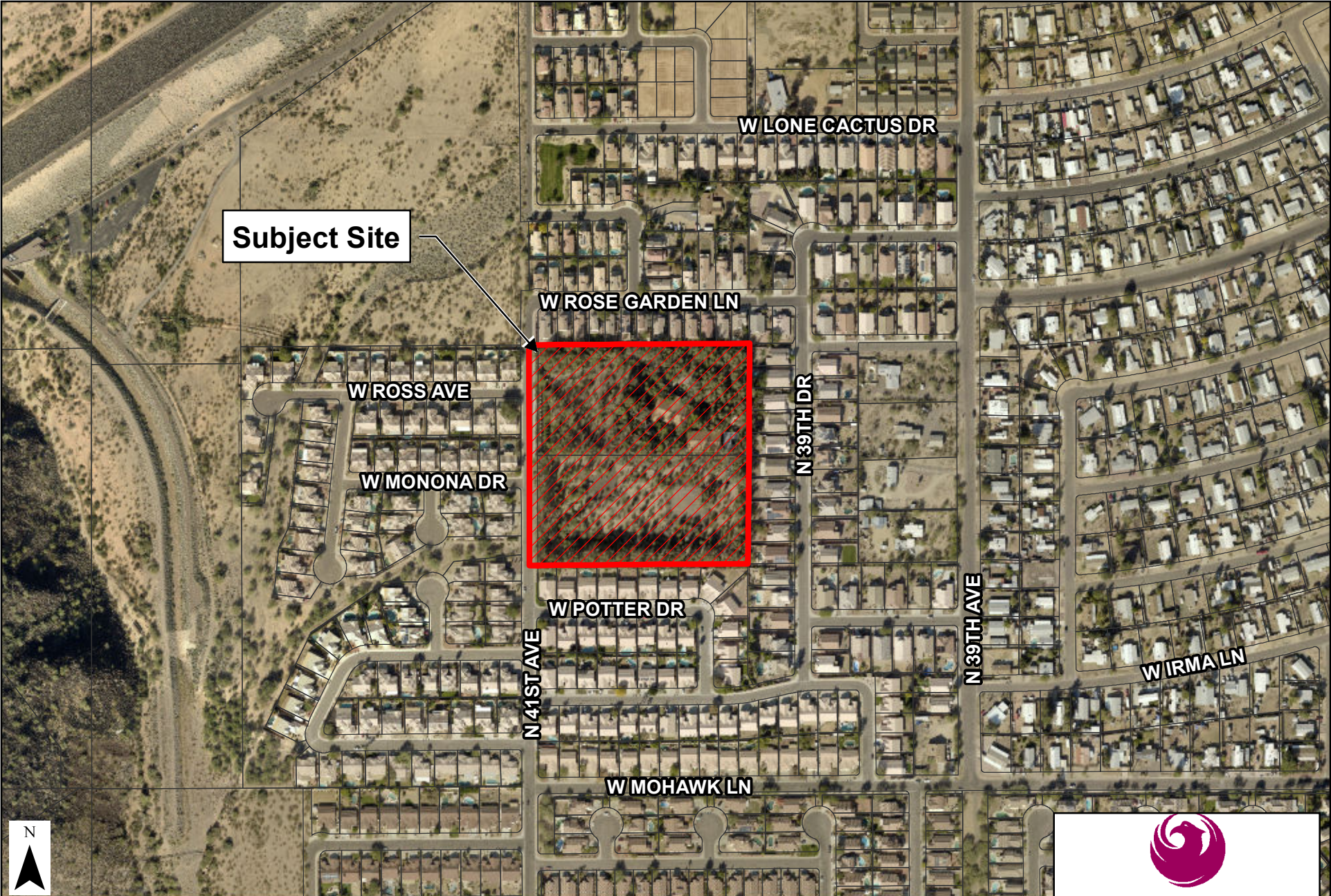
MULTIPLES PERMITTED
R1-8
R1-8

CONVENTIONAL OPTION
43
43

* UNITS P.R.D. OPTION
55
55

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

# Z-92-16-1 AERIAL MAP



**Subject Site**

W LONE CACTUS DR

W ROSE GARDEN LN

W ROSS AVE

W MONONA DR

W POTTER DR

W MOHAWK LN

N 39TH DR

N 39TH AVE

W IRMA LN

N 41ST AVE

RE 2/21/2017 Aerial Date: 2016



0 400 800 Feet



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

# 41ST AVENUE & ROSE GARDEN LANE PHOENIX | ARIZONA

## PRELIMINARY SITE PLAN

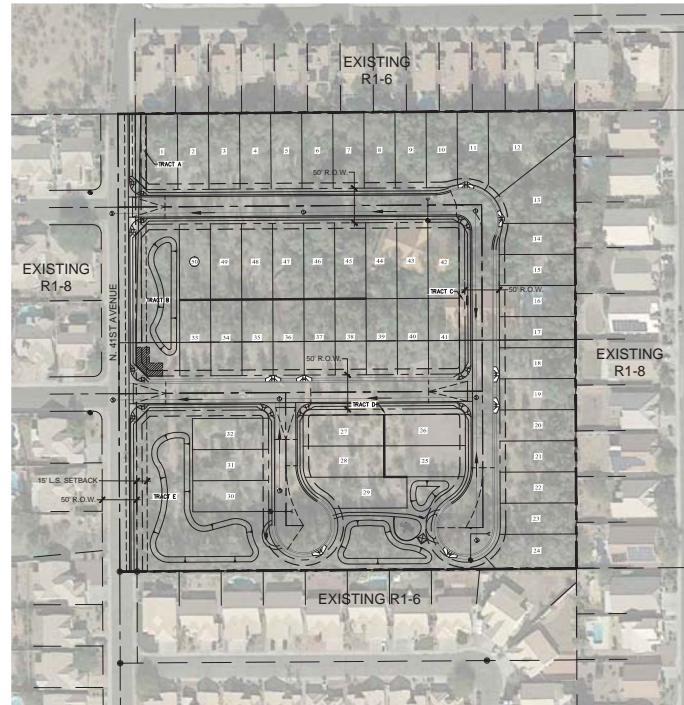
### SITE NOTES

- DEVELOPMENT AND USE OF THIS SITE WILL CONFORM WITH ALL APPLICABLE CODES AND ORDINANCES.
- THIS PROJECT IS LOCATED IN THE CITY OF PHOENIX WATER SERVICES AREA AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY. ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.
- STRUCTURES AND LANDSCAPING AT THE INTERSECTION OF PUBLIC STREETS AND PRIVATE ACCESSWAYS, WITHIN A TRIANGLE MEASURING 33' ALONG THE PUBLIC STREET AND 15' ALONG THE PRIVATE ACCESSWAY RIGHT-OF-WAY LINES, WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3'. A MINIMUM 18' WILL BE PROVIDED FROM BACK OF SIDEWALK TO FACE OF GARAGE DOOR.
- EACH LOT CONSTITUTES A BUILDING ENVELOPE AND ACCESSORY USES AND STRUCTURES SUCH AS POOLS AND PRIVACY WALLS ARE PERMITTED EXCEPT AS OTHERWISE REGULATED BY OTHER CITY CODES AND ORDINANCES.
- AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS NOTED AS "TRACTS" OR "EASEMENTS", INCLUDING PRIVATE STREETS, LANDSCAPED AREAS, AND DRAINAGE FACILITIES IN ACCORDANCE WITH APPROVED PLANS.
- OWNERS OF PROPERTY ADJACENT TO PUBLIC RIGHTS-OF-WAY WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING LOCATED WITHIN THE RIGHTS-OF-WAY, IN ACCORDANCE WITH APPROVED PLANS.
- AFTER FINAL APPROVAL THE PROJECT WILL BE INSPECTED FOR ZONING COMPLIANCE DURING CONSTRUCTION AND PRIOR TO OCCUPANCY. THE APPLICANT IS TO NOTIFY DSD PRIOR TO OCCUPANCY TO ARRANGE FOR INSPECTIONS. CALL 262-6981 AND REQUEST A DESIGN REVIEW INSPECTION.

### PROJECT DATA

	NET AREA	GROSS AREA
CURRENT ZONING: R1-8 (NORTH PARCEL)	4.8 Ac	5.02 Ac
R1-8 (SOUTH PARCEL)	4.8 Ac	5.02 Ac
PROPOSED ZONING: <b>R1-8 PRD</b>	9.6 Ac	10.04 Ac

STANDARDS	REQUIRED	PROVIDED / PROPOSED
MINIMUM LOT <b>WIDTH</b>	>45'-0"	45'-0" (TYPICAL)
MINIMUM LOT <b>DEPTH</b>	NONE, EXCEPT 110' ADJ. TO FREEWAY OR ARTERIAL	110' (TYPICAL)
<b>DENSITY</b> (# OF UNITS PER GROSS ACRE)	4.5, 5.5 WITH BONUS	4.9 DU / Ac
COMMON <b>LANDSCAPED SETBACK</b> (ADJACENT TO PERIMETER STREETS)	15' AVERAGE / 10' MIN.	COMPLIES
COMMON <b>OPEN SPACE</b> (SHOULD NOT INCL. REQ'D PERIMETER LANDSCAPE SETBACK AND STREETS)	MIN. 5% OF GROSS AREA	1.3 Ac / 10.04 Ac = 12.9% (NOTE: CALCULATION INCLUDES 41ST AVE FRONTAGE OPEN SPACE. CITY CRITERIA FOR CALCULATING USABLE OPEN SPACE MAY DIFFER)
COMMON <b>RETENTION</b> (CAN INCL. 50% OF REQ'D LANDSCAPE SETBACK)	REQUIRED FOR LOTS LESS THAN 8,000 S.F. PER GRADING AND DRAINAGE ORDINANCE REQUIREMENTS	REFER TO PRELIMINARY GRADING AND DRAINAGE PLANS

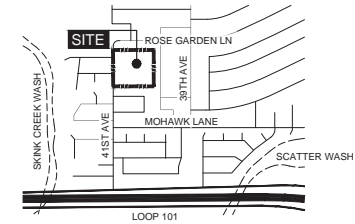


### SITE PLAN

NOT TO SCALE

### VICINITY MAP

N.T.S.



### PROJECT TEAM

#### APPLICANT / ZONING CONSULTANT:

ROD JARVIS / GREG LÖPER, A.I.C.P.  
EARL, CURLEY & LAGARDE, P.C.  
3101 N. CENTRAL AVENUE, SUITE 1000  
PHOENIX, ARIZONA 85012  
OFFICE: 602-265-0094  
jarvis@edclaw.com / gloper@edclaw.com

#### OWNER REPRESENTATIVE:

TROY JARVIS  
ALLIANCE FINANCIAL RESOURCES, LLC  
AVP ALLIANCE COMMERCIAL DIVISION  
8410 E. HIGH STREET #200  
PHOENIX, AZ 85054  
DIRECT 480-688-8646  
tjarvis@alliancehome loans.com

#### LANDSCAPE ARCHITECT / LAND PLANNER:

YOUNG DESIGN GROUP  
7234 EAST SHOEMAN LN.  
SUITE # 8  
SCOTTSDALE, AZ 85251  
PH: (480) 257-3312  
CONTACT: JOE YOUNG  
jyoung@youngdg.com

#### CIVIL ENGINEER:

DAVID EVANS & ASSOC.  
4800 EAST WASHINGTON  
SUITE 250  
PHOENIX, AZ 85034  
PH: (602) 474-9201  
CONTACT: RAMZI GEORGES  
Ryg@deainc.com

### PRIOR ZONING CASE HISTORY

Z-99-98  
Z-31-03

### SHEET INDEX

SP1.1 \_\_\_\_\_ COVER SHEET + GENERAL INFORMATION  
SP1.2 \_\_\_\_\_ ENLARGED SITE PLAN

**CITY OF PHOENIX**

FEB 21 2017

**Planning & Development  
Department**

Not for construction unless approved by local government

Young Design Group  
Landscape Architecture  
& Land Planning  
7234 east shoeman lane  
scottsdale, arizona 85251  
tel. 480.257.3312



**41ST AVE & ROSE GARDEN LANE**  
APPROX SEC 41ST AVE & ROSEGARDEN LANE  
PHOENIX, AZ

DATE	02/17/17
PERNO	1621
DRAWN BY	YDG
CHECKED BY	JMY
REVISIONS	DATE

SHEET NO.	SP1.1
TOTAL SHEETS	2

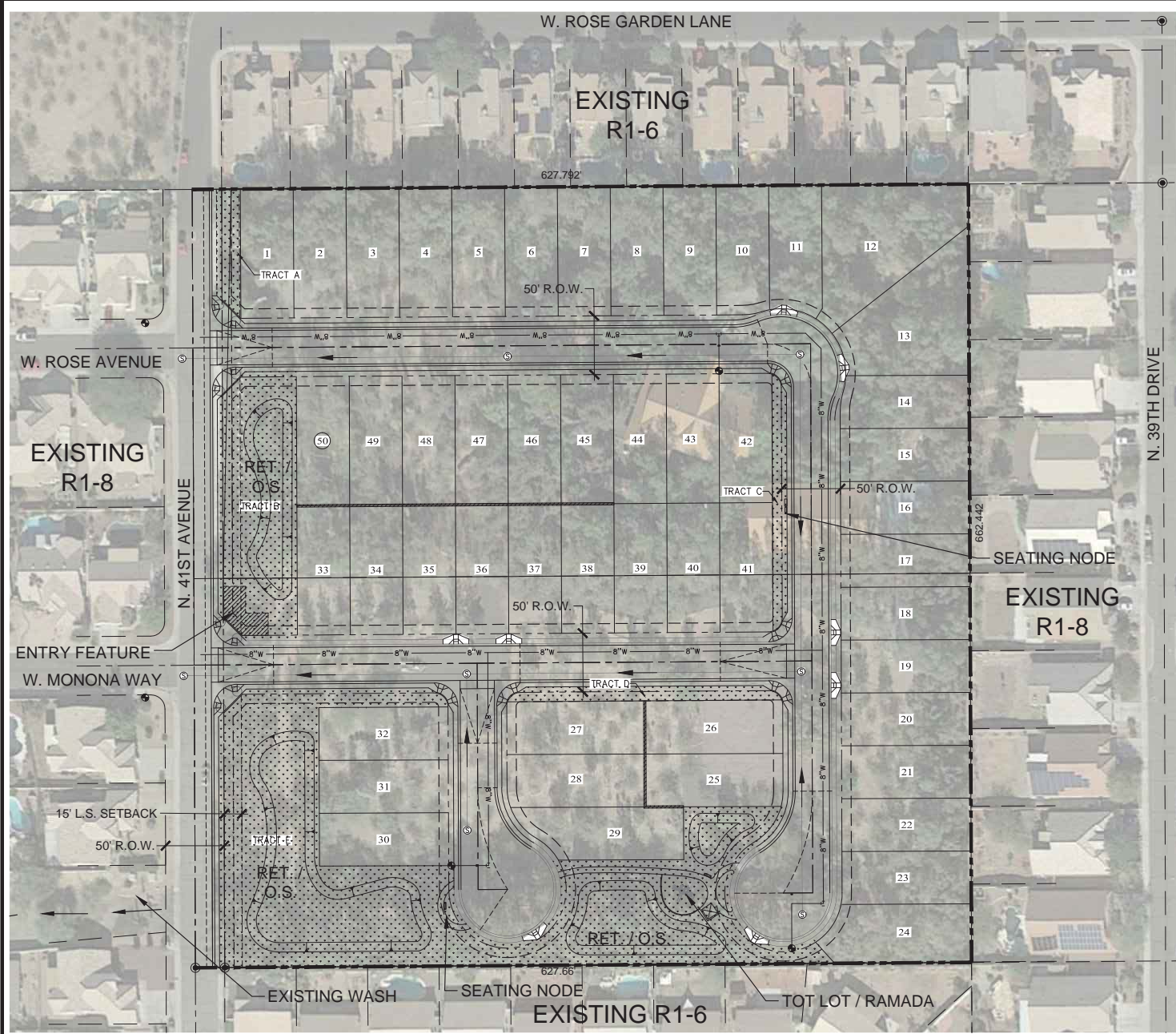
SUBMITTED FOR: **PRELIMINARY  
SITE PLAN**

SHEET NO. **SP1.1**

1 OF 2

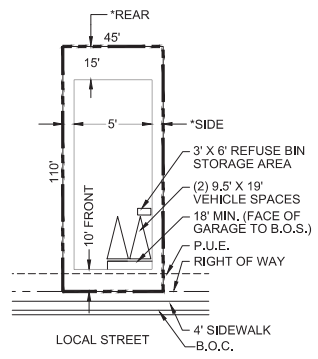
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**SITE PLAN LEGEND**

- PARCEL BOUNDARY
- RETAINING WALL
- PUBLIC UTILITY EASEMENT
- PUBLIC WATER LINE
- SEWER MANHOLE
- FIRE HYDRANT
- RETENTION CONTOUR
- LANDSCAPE AREA



\*PER P.R.D. DEVELOPMENT OPTION SIDE AND REAR SETBACK ARE NOT DEFINED AND DEFER TO MINIMUMS AS SPECIFIED IN BUILDING CODE

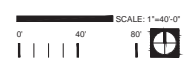
**TYPICAL LOT DETAIL**

N.T.S.

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 APPROX SEC 41ST AVE & ROSE GARDEN LANE  
 PHOENIX, AZ

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PROJECT NO.	1621
DRAWN BY	YDG
CHECKED BY	JMY
REVISIONS	DATE

SUBMITTED FOR: PRELIMINARY SITE PLAN  
 SHEET NO.

**SP1.2**



1



2



3



4



5



6



7



8



9



10



11



12



13



14



ation B

15



16



17



18



19



20