



City of Phoenix
 PLANNING AND DEVELOPMENT SERVICES

Staff Report: Z-50-09-3
 November 15, 2010

Deer Valley Village Planning Committee Meeting Date November 18, 2010
Planning Commission Hearing Date December 8, 2010
Request From: RE-35 (7.64 Acres)
Request To: PUD (7.64 Acres)
Proposed Use Residential / small-scale professional offices and limited services
Location Approximately 650 feet east of the northeast corner of Greenway Road & 22nd Avenue
Owner Multiple Owners
Applicant/Representative Beus Gilbert PLLC
Staff Recommendation Denial. (In the event of an approval action mitigation stipulations are included.)
DSD KIVA Project Number None

General Plan Conformity			
General Plan Land Use Designation		Residential 3.5 – 5 du/acre	
Street Map Classification	Frontage	Arterial	65 foot - Half Street
<p>NEIGHBORHOOD ELEMENT: GOAL 2: COMPATIBLE NEIGHBORHOOD DEVELOPMENT: 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. POLICY:3 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.</p> <p>The proposed rezone would permit homes to operate as businesses whereby scale-of-operation would be limited by a maximum lot coverage requirements in the PUD, thereby the operations could be more consistent with the character of the surrounding neighborhood.</p>			
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EXISTING USES AND CONSISTENT WITH ADOPTED PLANS. POLICY:4

Residential Conversion Policy: Encourage properties and neighborhoods planned for residential use to continue as residential uses rather than being assembled for non-residential development. This policy establishes criteria that the City Council, Planning Commission and other review bodies should consider in evaluating a request to rezone, to a nonresidential use, existing developed residential land or vacant land within a residential neighborhood. The criteria listed below should be satisfied before converting existing neighborhoods to nonresidential uses. These criteria should not be construed as the only relevant factors in deciding whether to allow nonresidential conversion.

- The proposed use change is compatible with and helps to implement the General Plan or other adopted plans.
- There is a substantial need in the immediate future to use the land for a commercial or industrial purpose that cannot be accommodated in an existing commercial or industrial zone.
- The area is not viable for continued residential use because of a combination of factors such as deterioration, land use or traffic conflict.
- Parking, traffic and other impacts of the proposed development will not adversely impact nearby residential uses.

The proposed PUD is not compatible with the Residential Conversion Policy. There is no substantial need for additional commercial land in the area. Despite the traffic flow on Greenway Road this does not preclude the area from remaining residential. The proposed PUD does not meet the criteria for residential conversion.

LANDUSE 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 THE CURRENT CHARACTER OF EACH DEVELOPED VILLAGE.

POLICY 5: Encourage development of existing zoned and vacant land before granting additional rezoning.

There are three C-2 zoned sites very near the proposed PUD. One is a vacant lot on 19th Avenue at Waltann Lane which is suitable for construction of a unique destination-business; and another is located on the southeast corner of 19th Avenue and Greenway Road. This C-2 retail center was anchored by the now empty Albertson’s grocery store. It currently has eight other vacancies. The city would be better served if potential businesses and vacant stores worked together.

Surrounding Land Uses/Zoning		
	<u>Land Use</u>	<u>Zoning</u>
On Site	Residential	RE-35
North	Residential	RE-35
South	Golf Course	S-1 SP
East	Residential	RE-35
West	Residential	R-O

PUD		
Standards	Proposed	RE-35
Main Building Setbacks		
Street	40 feet	40 feet
Side	20 feet	20 feet
Rear	40 feet from centerline of alley	40 feet
Landscaped Setbacks		
Street	30 feet	None
Rear	10 feet	None
Lot Coverage	25 %	25%
Building Height	25 feet (1 for 3 increase)	2 stories and 30 feet
Parking	In back of main structure	

Background/Issues/Analysis

1. This is a request to rezone 7.64 acres from RE-35 to PUD to enable existing residential homes to become commercial properties by combining the development rights for elements of three zoning districts: RE-35, C-1, and C-2. The original request was amended from R-O to PUD and four neighboring properties were added to the request. The Planned Unit Development is a zoning designation intended to create a built environment superior to that which is accomplished through conventional zoning districts. It is not clear how this PUD is superior to what is currently existing.
2. The General Plan Map designation of 3.5 to 5 dwelling units per acre is not consistent with this request, so the applicant has applied for a General Plan Amendment to change the General Plan designation to Commercial and it will be heard concurrent to this rezone request.
3. This issue started as an inquiry for R-O on one property only. That applicant held a pre-application meeting on June 11, 2008 for R-O zoning where he was told that: No parking is allowed in the front yard; No storage of material or maintenance of equipment is permitted. The applicant did not apply for the actual rezoning until over a year later (July 16, 2009), after he received a Notice of Property Violation from the Neighborhood Services Department on June 25, 2009 for operating or allowing to operate a commercial business in a residential zone. The applicant applied for his rezoning on July 6, 2009. At the post-application meeting the applicant was told the type of business he was operating required a C-2 zoning district and the Residential Office (R-O) he was applying for was inappropriate.
4. The District 3 City Council office requested that a study be conducted by the Planning Department to review the area for potential changes in land use. The Council Member also asked that any recommended changes in General Plan designation be considered as part of the current General Plan Update process.

5. The study found that an analysis of business needs in the district and city had been prepared by the Retail Market Analysis Update, June 2008, a study written by Applied Economics for the Community & Economic Development Department. Their research focused on economic development and activity in each of the Phoenix Council Districts. It showed that commercial opportunity currently has surpluses (market saturation) in nearly every retail category, "with very little additional potential – probably only enough to fill space that is already available." Since this report there has been an economic downturn that has created additional commercial square-footage vacancies across the city.
6. The Greenway Road Land Use Study final report was presented to the Deer Valley Village Planning Committee. They found that the General Plan category of Commercial permitted too many other uses that were inappropriate for that location. They recommended that a new General Plan category of Light Commercial or Office Use be considered in the process of the General Plan Update.
7. One of the stated goals is for this PUD district to serve as a "buffer" for the residences on Waltann Lane, but the current single-family residences provide an even better buffer without the potential for delivery noise starting at 6 a.m. until 10 p.m.
8. The narrative of this PUD addresses conformance to the General Plan by stating that it will allow members of the community to work within their village. This can be accomplished without converting homes into commercial use. There is available commercial space throughout the city and even at the nearby intersection.

Findings

1. The Greenway Road Land Use Study found that there is vacant suitable C-2 zoned property, including along Bell Road, near the freeway, and less than a block from the proposed PUD. There is no need at this time for residential to be converted to commercial.
2. The General Plan Land Use Element: Goal 2: Policy 5: does not support conversion of residential to commercial at this time, in this area.
3. The General Plan Neighborhood Element: Goal 2: Policy 4: does not support Residential conversion of Residential to Commercial uses at this time, in this area.

Stipulations

1. That an updated Development Narrative for the Sierra Prieta Greenway Road PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Services Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped October 8, 2010, as modified by the following stipulations.

2. Page 14, Section I.A.4 shall read as follows: Lot Coverage: Lot coverage shall not exceed 25 percent (25%) of the net lot area exclusive of the first three (3) feet of roof overhang and carports. Open carports shall not exceed ten percent (10%) of the net lot area.
3. Page 16, Section I.A.12.a.(2) shall read as follows: Minimum 2 inch caliper drought resistant tree placed 20 feet on-center or in equivalent groupings, and;
4. Page 16, Section G.B.20 shall delete the following: Retail Sales (all permitted uses are allowed to have retail sales).
5. Page 15, Section I.A.12.a.(1) shall read as follows: A minimum landscape yard setback of 40-feet shall be provided.
6. Page 16, Section I.A.12.b shall be relocated to be a subset of Section I.A.11
7. Page 16, Section I.A.12.b.(1) shall read as follows: Minimum 2-inch caliper drought resistant tree spaced 20 feet on-center or in equivalent groupings, and;

Writer

Kelly Walker

10/8/10

Team Leader

Michelle Dodds

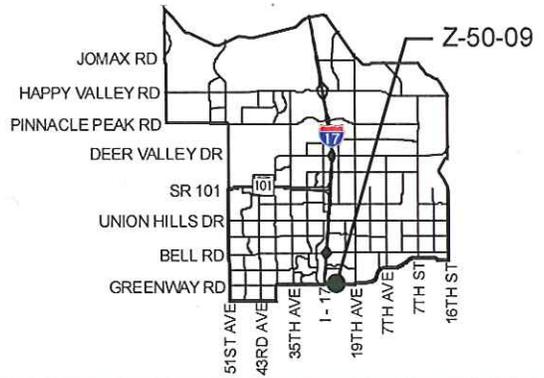
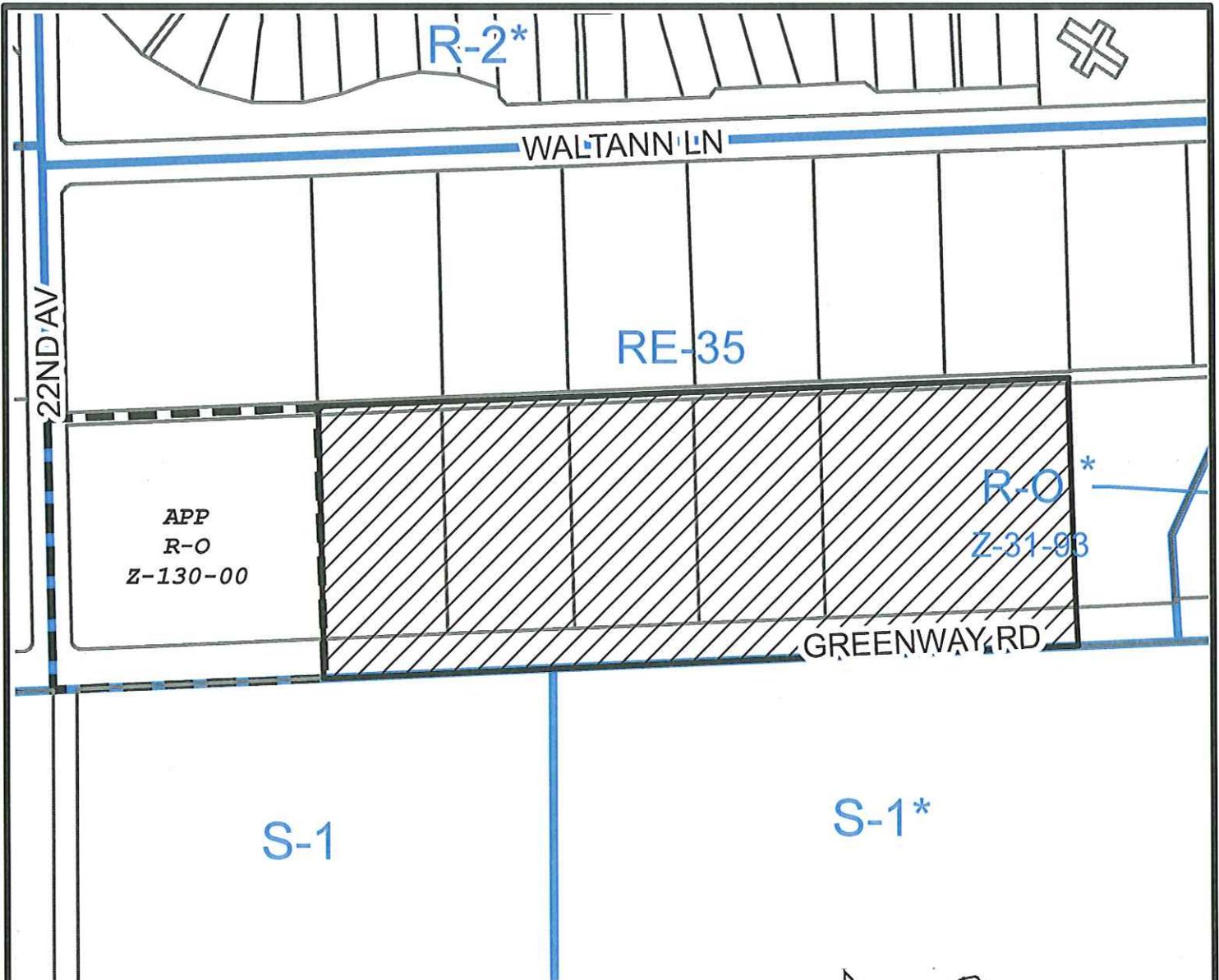
Attachments

Sketch Map

Zoning Map

Aerial

Narrative - date stamped October 8, 2010

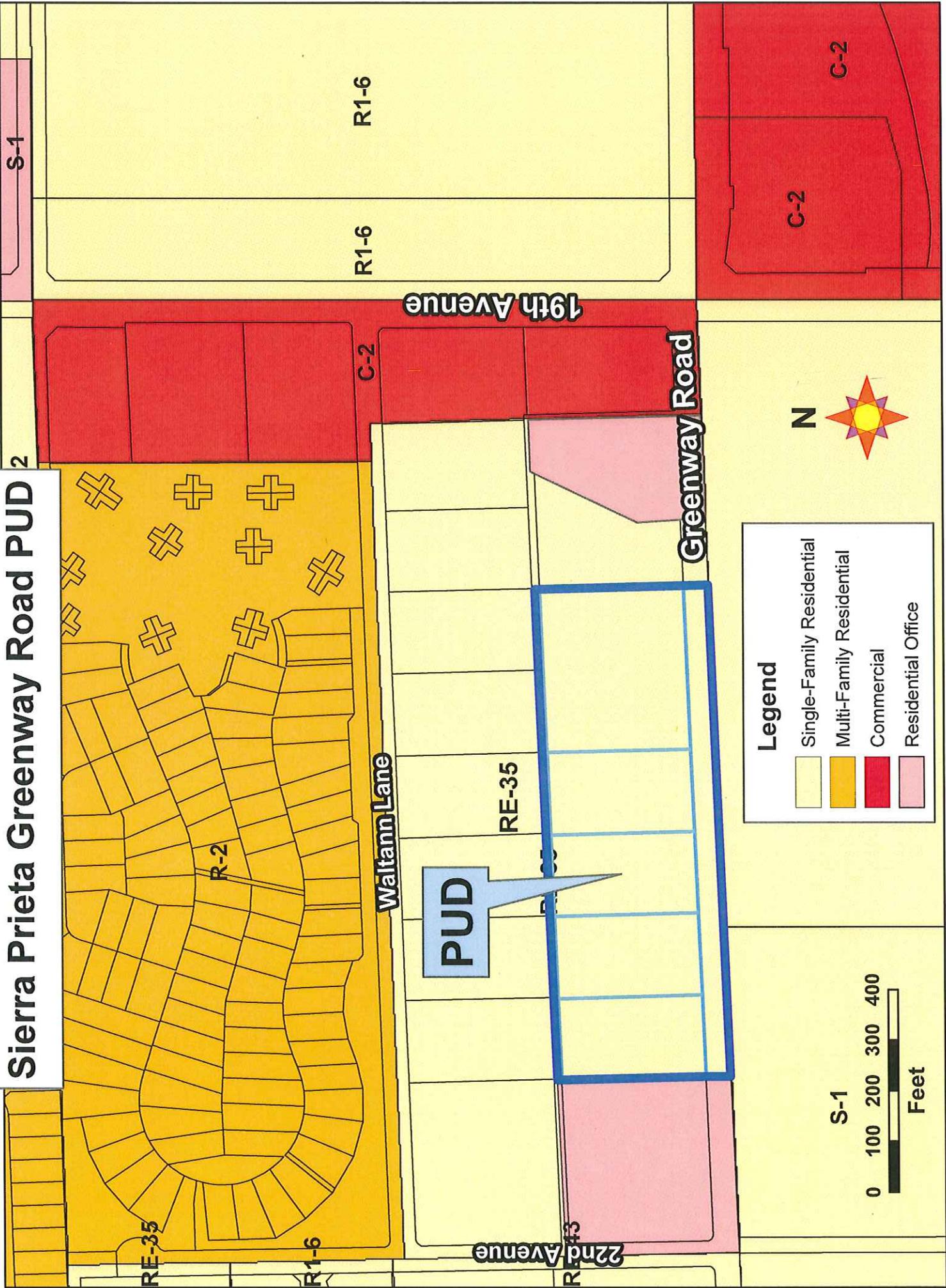


CITY OF PHOENIX PLANNING DEPARTMENT
DEER VALLEY VILLAGE
 CITY COUNCIL DISTRICT: 3

APPLICANT'S NAME: Beus Gilbert PLLC c/o Dennis M. Newcombe		REQUESTED CHANGE:	
APPLICATION NO. Z-50-09	DATE: 07/28/09 REVISION DATES:	FROM: RE-35, (7.64 a. c.)	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 7.64 Acres	9/15/10	TO: PUD, (7.64 a. c.)	
	AERIAL PHOTO & QUARTER SEC. NO. Q35-24	ZONING MAP L-7	
MULTIPLES PERMITTED RE-35 PUD	CONVENTIONAL OPTION 1 See Narrative		* UNITS P.R.D. OPTION 1

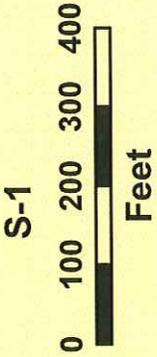
* Maximum Units Allowed with P.R.D. Bonus

Sierra Prieta Greenway Road PUD 2



Legend

	Single-Family Residential
	Multi-Family Residential
	Commercial
	Residential Office



Sierra Prieta Greenway Road PUD



19th Avenue

Greenway Road

Waltann Lane

PUD

22nd Avenue