



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**Staff Report Z-43-A-12-7**  
December 26, 2013

**Estrella Village Planning Committee Hearing Date** January 21, 2014

**Planning Commission Hearing Date** January 14, 2014

**Request From:** R-5 (1.58 Acres)

**Request To:** PUD (1.58 Acres)

**Proposed Use** Expansion of the Wentworth Planned Unit Development (Z-43-12-7) boundary.

**Location** Approximately 395 feet north of the northwest corner of 59<sup>th</sup> Avenue and Van Buren Street.

**Owner** Wentworth Property Company, LLC

**Applicant/Representative** Paul Gilbert/Beus Gilbert PLLC

**Staff Recommendation** Approval, subject to stipulations

| <b>General Plan Conformity</b>   |                         |            |                        |
|--|-------------------------|------------|------------------------|
| <b>General Plan Land Use Designation</b>   |                         | Commercial |                        |
| <b>Street Map Classification</b>   | Van Buren Street        | Arterial   | 50-foot half street    |
|  | 59 <sup>th</sup> Avenue | Arterial   | 40-50 foot half street |
| <p><b>NEIGHBORHOOD ELEMENT. GOAL 2. POLICY 3:</b> CREATE NEW DEVELOPMENT 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>By complying with staff stipulations the proposed industrial development will be compatible with the existing entitled PUD development that surrounds the subject parcel.</p> |                         |            |                        |
| <p><b>NEIGHBORHOOD ELEMENT: GOAL 1, POLICY 22:</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.</p> <p>The proposed industrial development is consistent with the zoning pattern along 59<sup>th</sup> Avenue and Van Buren Street.</p>   |                         |            |                        |
| <p><b>LAND USE ELEMENT: GOAL 2 – EMPLOYMENT AND POPULATION BALANCE:</b> 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 THAT CURRENT CHARACTER OF EACH DEVELOPED VILLAGE.</p>   |                         |            |                        |

The development of industrial uses will create jobs to balance population and employment near predominately single-family residential areas.

## **Background/Issues/Analysis**

### SUBJECT SITE

1. This request is to rezone a 1.58 acre site located approximately 395 feet north of the northwest corner of 59<sup>th</sup> Avenue and Van Buren Street from R-5 (1.58 Acres) to PUD (1.58 Acres) to allow for industrial uses. The applicant intends to incorporate the subject parcel into the larger 83.15 acre parcel zoned PUD located directly adjacent to the subject parcel. The applicant owns both the subject and adjacent parcels.
2. The General Plan Land Use Map designation for the subject parcel is Commercial. The applicant is not required to pursue a Minor General Plan Amendment as the parcel is less than 10 acres in size.
3. The adjacent 83.15 acre parcel was rezoned this past year (Z-43-12-7) to PUD to allow for an industrial development. At the time of that rezoning case the applicant was unable to secure the subject parcels to incorporate into the larger PUD application. Subsequently the applicant purchased the subject parcels and intends to incorporate them into the adjacent larger development. The uses and all development standards will remain the same and mirror the original approved rezoning case.

### SURROUNDING USES & ZONING

4. **North**  
The parcel to the north consists of an entitled PUD parcel also owned by the applicant.

#### **West**

The parcel to the west consists of an entitled PUD parcel also owned by the applicant.

#### **South**

The parcel to the south consists of an entitled PUD parcel also owned by the applicant.

#### **East**

Across 59<sup>th</sup> Avenue and along the east property line is a vacant parcel zoned A-1.

### PROPOSAL

5. The proposal was developed utilizing the PUD zoning designation, which allows an applicant to propose uses, development standards, and design guidelines for a site. A primary goal of this process is to allow the applicant to develop standards that respond to the surrounding environment more so than conventional zoning districts allow. The end result is property rezoned with standards crafted specifically for the site that allows for increased development flexibility, while

simultaneously providing enhanced development standards that could otherwise be developed through conventional zoning tools.

Where the PUD narrative is silent on a requirement, the applicable Zoning Ordinance provisions will be applied.

6. Below is a summary of the proposed standards for the subject site as described in the attached PUD narrative date stamped November 27, 2013, Attachment B. All of the proposed uses and standards were derived from and mirror the approved and adjacent PUD application Z-43-12-7. The list of land uses and development standards listed below are a brief synopsis of the aforementioned approved standards.

#### **Land Use**

The narrative permits a wide range of industrial, warehouse, storage, sales and manufacturing as the permitted uses.

Staff has no concerns with the proposed uses, setbacks, building design or use permit provisions as they were addressed in the original request for the larger surrounding property via rezoning case Z-43-12-7.

#### **Development Standards**

The maximum permitted building height for structures on site is 48-feet. Additional height may be granted via the use permit public hearing process that would allow structures to increase to 80-feet in height if setback 200-feet from the north property line.

The perimeter setbacks consist of a 30-foot landscape and building setback along all property lines. In addition a 100-foot dock area setback is proposed along the north property line.

Staff has no concerns with the proposed development standards.

#### **Landscaping Standards**

A mix of landscaping will be provided within the proposed 30-foot setback along the perimeter of the property. Along Fillmore Street, a mix of 2-inch caliper trees (50%) and 3-inch caliper trees (50%) will be provided 20-foot on center with 5 shrubs per tree. Along Van Buren Street, 2-inch caliper trees (50%), 3-inch caliper trees (25%) and 4-inch caliper trees (25%) will also be provided with 5 shrubs per tree.

Staff has no concerns with the proposed landscape standards.

#### **Parking**

The minimum number of required parking spaces shall be as set forth in Section 702 of the Zoning Ordinance.

In addition the applicant is proposing a 1-foot non-vehicular easement along Fillmore Street to protect the residents from truck and vehicular traffic.

#### **Shading**

The narrative proposes that a minimum of 15 percent surface employee/visitor

parking shall be shaded through a combination of shade trees and/or canopies.

**Design Guidelines**

The Development Narrative does not propose any new design guidelines with the exception of landscape standards; therefore, all applicable design guidelines outlined in the Guidelines for Design Review section of the Zoning Ordinance will apply.

**Phasing**

A phasing plan is not addressed within the PUD.

**Signage**

Sign Matrix on page 29 of the Development Narrative describes in detail the sign package for this request. In the event of a conflict between a provision of the PUD and a provision of Section 705 of the city of Phoenix Zoning Ordinance, the PUD prevails. In the event that the PUD is silent regarding a specific sign standard, the city of Phoenix Zoning Ordinance prevails.

**Sustainability**

The narrative proposes many options to incorporate sustainability principles, which may include building orientation, solar collection technologies, and design for effective water use.

**STREETS AND TRAFFIC**

7. The Street Transportation Department has indicated that there are right-of-way improvements needed for this site. Several stipulations have been added to address these improvements.
8. An additional traffic impact study will need to be submitted to the Street Transportation Department for further review. A stipulation has been added to address any recommendations from that study.
9. A stipulation has been added for the applicant to submit a Red Border Letter to ADOT notifying them of the proposed development adjacent to a freeway corridor.

**MISCELLANEOUS**

10. Water for the proposed development will be provided to the site through an existing 20-inch transmission main in Van Buren Street, a 12-inch line in Van Buren Street and a 12-inch line in 59th Avenue.  
  
Sewer service for the proposed development will be provided to the site through an existing 21-inch main in 59th Avenue, and an existing 8-inch main in Fillmore Street.
11. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements and other formal actions may be required.

### **Findings**

1. The proposal is consistent with the General Plan Land Use Map and therefore a Minor General Plan Amendment is not required.
2. The proposed uses will bring employment opportunities to the surrounding area and the Estrella Village.
3. The proposed staff stipulations will ensure the PUD rezoning request is compatible with surrounding zoning patterns and land use in the area.

### **Stipulations**

1. An updated Development Narrative for the Z-43-A-12-7 PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped November 27, 2013.

### **New Development Standards**

2. That prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims in a form approved by the City Attorney's Office. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

### **Street Transportation Stipulations**

3. Submit a revised Traffic Impact Analysis to accommodate updated development plans per the PUD requirements. The development shall be responsible for any necessary dedications and improvements to the street network as approved by the Street Transportation Department.
4. The developer shall construct all streets adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
5. A Red Border Letter shall be filed with the Arizona Department Of Transportation notifying them of this project. The response from ADOT shall be included in the Appendix of this study. Potential right-of-way requirements need to be addressed in ADOT's response.
6. The applicant shall revise the Traffic Impact Study in accordance with comments provided by the Street Transportation Department and with final approval by the Street Transportation Department prior to preliminary site plan approval.
7. The developer shall work with the neighborhood to pay for traffic mitigation measures along Fillmore Street adjacent to the subject site, as approved by the Street Transportation Department.

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**Writer**

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December 26, 2013

**Team Leader**

Joshua Bednarek

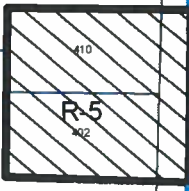
**Attachments**

Attachment A: Sketch Map

Attachment B: Z-43-A-12-7 PUD Narrative date stamped November 27, 2013

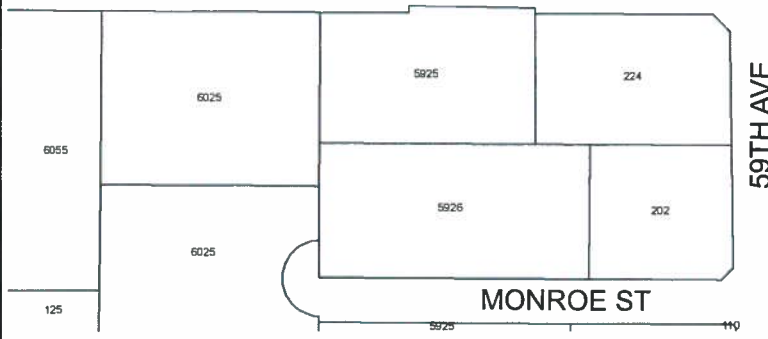
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Z-43-12



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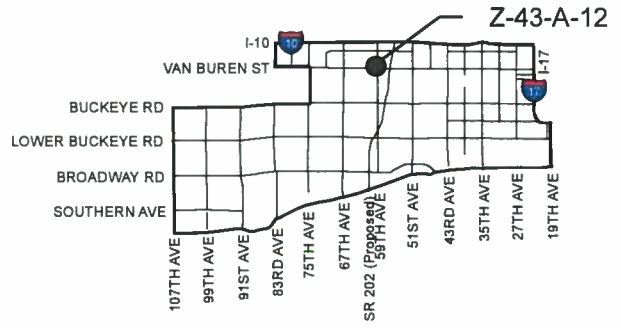
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CITY OF PHOENIX PLANNING DEPARTMENT

**ESTRELLA VILLAGE**

CITY COUNCIL DISTRICT: 7



|   |   |  |  |
|---|---|--|--|
| <b>APPLICANT'S NAME:</b><br>Dennis Newcomb/Beus Gilbert PLLC                  |   | <b>REQUESTED CHANGE:</b><br>FROM R-5, (1.58 a.c.)<br>TO PUD, (1.58 a.c.) |  |
| <b>APPLICATION NO.</b><br>Z-43-A-12   | <b>DATE:</b><br>12/6/13<br>REVISION DATES:  |  |  |
| GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.<br>1.58 Acres | AERIAL PHOTO & QUARTER SEC. NO.<br>QS 11-14 | ZONING MAP<br>F-5  |  |
| <b>MULTIPLES PERMITTED</b><br>R-5<br>PUD                                      | <b>CONVENTIONAL OPTION</b><br>68<br>N/A     | <b>* UNITS P.R.D. OPTION</b><br>82<br>N/A                                |  |

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