



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**Staff Report Z-82-18-1**  
January 7, 2019

Deer Valley [Village Planning Committee Meeting Date:](#) January 17, 2019  
[Planning Commission Hearing Date:](#) February 7, 2019  
**Request From:** [A-1](#) DVAO (16.78 acres)  
**Request To:** [R-3A](#) DVAO (16.78 acres)  
**Proposed Use:** Multifamily Residential  
**Location:** Approximately 477 feet south of the southeast corner of 23rd Avenue and Alameda Road  
**Owner:** Roy's Deer Valley Nursery, LLC  
**Applicant:** Erin Conway, Continental Fund 481  
**Representative:** Stephen C. Earl; Curley & Lagarde, P.C.  
**Staff Recommendation:** Approval, subject to stipulations

<u><a href="#">General Plan Conformity</a></u>			
<u><a href="#">General Plan Land Use Map Designation</a></u>		Current: Industrial, Proposed (GPA-DV-2-18-1): Residential 15+	
<u><a href="#">Street Map Classification</a></u>	23rd Avenue	Collector	40-foot east half
	Alameda Road	Collector	40-foot south half
<p><b><i>CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE: Promote and encourage compatible development and redevelopment with a mix of housing types in neighborhoods close to employment centers, commercial areas, and where transit or transportation alternatives exist.</i></b></p> <p>The proposed multifamily development will provide additional housing choices within the Deer Valley Major Employment Center and along the Interstate I-17 Corridor.</p>			

**CELEBRATE OUR DIVERSE COMMUNITIES & NEIGHBORHOODS; CLEAN NEIGHBORHOODS DESIGN:** *Protect and enhance the character of each neighborhood and its various housing lifestyles through new development that is compatible in scale, design, and appearance.*

As stipulated, the proposed project is compatible with existing development and land uses in the immediate area.

**CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; DIVERSE NEIGHBORHOODS; LAND USE PRINCIPLE:** *Within each village, designate residential land use in at least four of the seven residential categories and designate at least one of those categories to be for 10 to 15 or 15+ dwelling units per acre.*

The companion General Plan Amendment request, GPA-DV-2-18-1, proposes the residential land use map designation of 15+ dwelling units per acre which will serve to provide housing options for those working in the vicinity.

**Applicable Plans, Overlays, and Initiatives**

Deer Valley Airport Overlay District – see No. 4, Background/Issues/Analysis

Deer Valley Major Employment Center – See No. 5, Background/Issues/Analysis

Tree and Shade Master Plan – see No. 6, Background/Issues/Analysis

Complete Streets Guiding Principles – see No. 7, Background/Issues/Analysis

Reimagine Phoenix – see No. 16, Background/Issues/Analysis

**Surrounding Land Uses/Zoning**

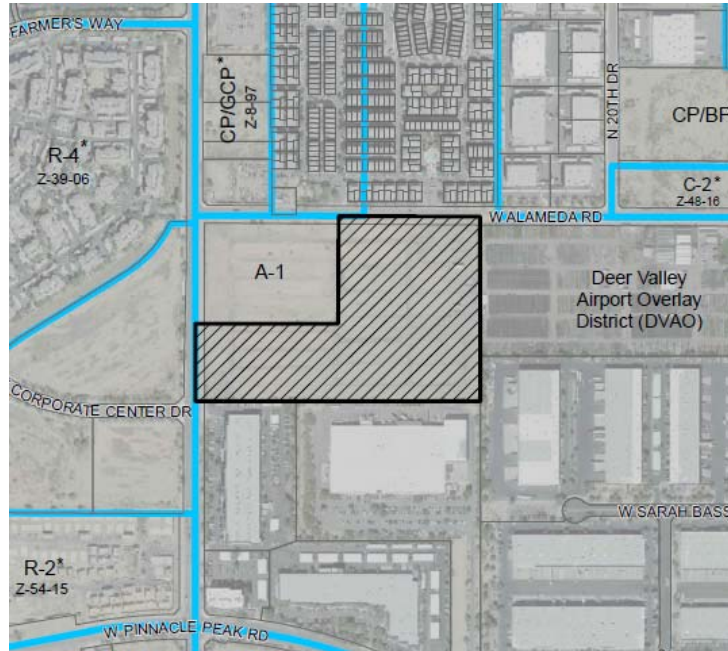
	<u>Land Use</u>	<u>Zoning</u>
<b>On site</b>	Vacant lot	A-1
<b>North</b>	Multifamily	A-1 with use permit
<b>South</b>	Manufacturing facilities, warehouse, office	A-1
<b>East</b>	Plant nursery and industrial warehousing, office	A-1
<b>West (across 23rd Avenue)</b>	Vacant lot	CP/GCP

<b>R-3A Multifamily (Planned Residential Development Option)</b>		
<b><u>Standards</u></b>	<b><u>Requirements</u></b>	<b><u>Provisions on the Proposed Site Plan</u></b>
Total Number of Units	387; 443 with bonus	284 units proposed (Met)
Dwelling Unit density (units/gross acre), Maximum	23.1; 26.4 with bonus	16.92 (Met)
Lot Coverage, Maximum	45%	37% (Not Met)
Maximum Building Height in	3 stories or 40 feet for 150 feet; 1foot in 5-foot increase to 48 feet, 4- story maximum	2 stories, 35 feet (Met)
<b>Building Setbacks</b>		
Front	10 feet minimum	N/A
<b>Perimeter Standards</b>		
Adjacent to Public Street	20 feet minimum adjacent to a public street; this area to be in common ownership unless lots front on the perimeter public street.	20 feet on Alameda (Met) 25 feet on the 23rd Ave Frontage (Met)
Adjacent to property line	15 feet minimum	15 feet (Met)
<b>Landscape Setbacks</b>		
Adjacent to Public Street	20 feet minimum	20 feet (Met)
Adjacent to property line	5 feet minimum	15 feet (Met)
Common Area, Minimum	5% of gross area minimum. Stipulated to 15% (see Stipulation No. 3)	5% (Met)
Parking Requirements, Maximum	1.3 space per efficiency unit and 1.5 spaces per 1 and 2-bedroom unit and 2 spaces per 3 or more- bedroom unit, 1.0 space per unit of less than 600 square feet regardless of number of bedrooms  430 spaces required	516 spaces provided (Met)

## **Background/Issues/Analysis**

### REQUEST

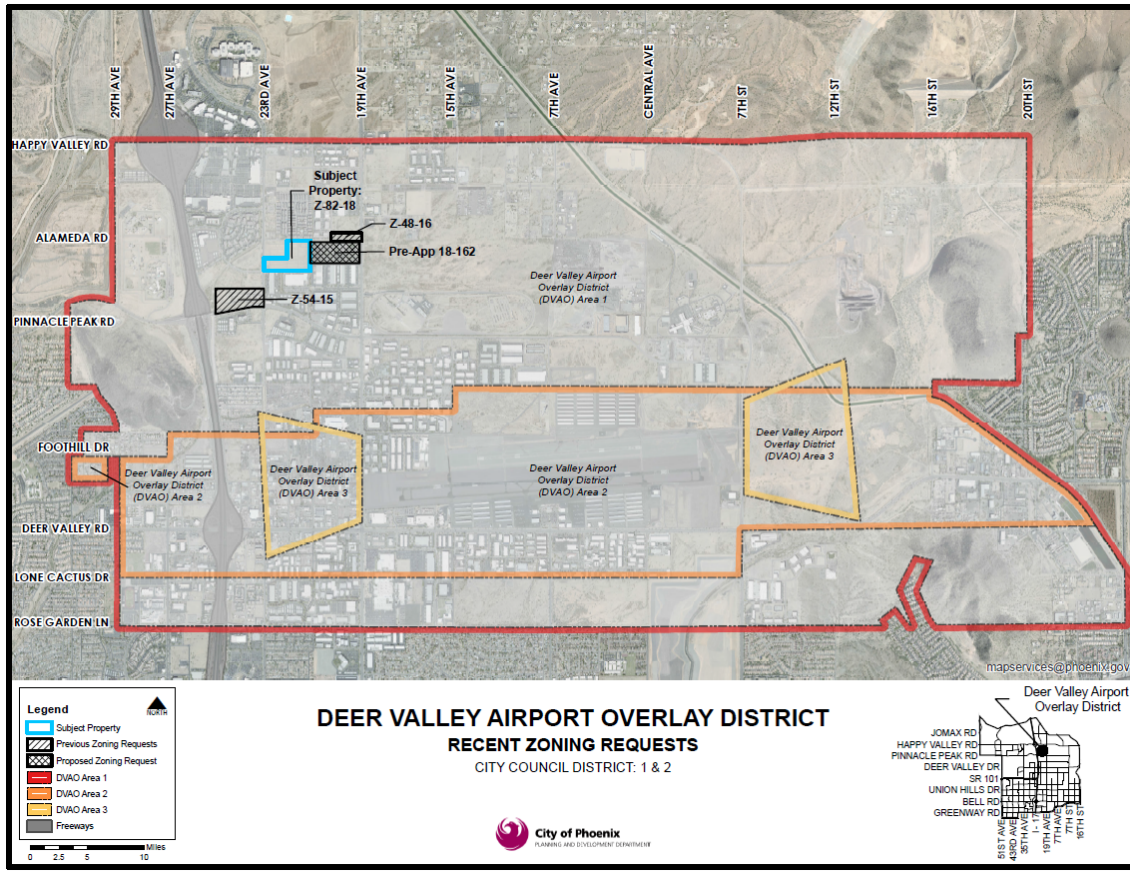
1. This request is to rezone 16.78 acres located approximately 477 feet south of the southeast corner of 23rd Avenue and Alameda Road from A-1 DVAO (Light Industrial, Deer Valley Airport Overlay District) to R-3A DVAO (Multifamily Residence, Deer Valley Airport Overlay District) to allow multifamily residential.



Source: City of Phoenix Planning and Development Department

### ZONING AND LAND USE

2. The subject site is currently zoned A-1 DVAO (Light Industrial, Deer Valley Airport Overlay District). There is existing warehousing, office and industrial manufacturing facilities south of the subject site. There is a multifamily residential development north of the subject site zoned A-1 DVAO, with a use permit, Case No. ZA-166-04, to allow residential in the A-1 District. Multifamily apartments are located to the northwest of the site and vacant parcels are located to the immediate west and southwest of the site. To the east of the site is a plant nursery, however, a recent application was submitted (Pre-Application No. 18-162) requesting multifamily residential zoning for the site as well. The character of the area is changing from industrial to residential in the northwest quadrant of the DVAO Area 1. City Council recently approved rezoning cases, Z-54-15, a request for multifamily residential at the northwest corner of 23rd Avenue and Pinnacle Peak Road and Z-48-16, a request for an assisted living center at the northwest corner of 19th Avenue and Alameda Road establishing a change in the land use pattern in the immediate vicinity.

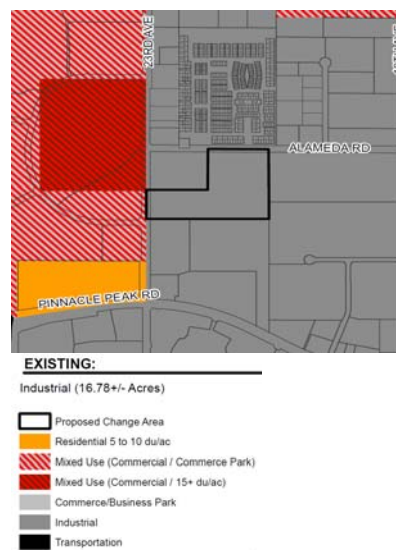


Source: City of Phoenix Planning and Development Department

**GENERAL PLAN**

3. The current General Plan Land Use Map designation for the subject site is Industrial. A General Plan Amendment Case GPA-DV-2-18-1 is being processed concurrently as a companion case to amend the General Plan Land Use map designation to Residential 15+ dwelling units per acre. Staff has recommended approval of the General Plan Amendment request.

Most of the area designated as industrial, southeast and south of the subject site has developed as industrial. The area has developed

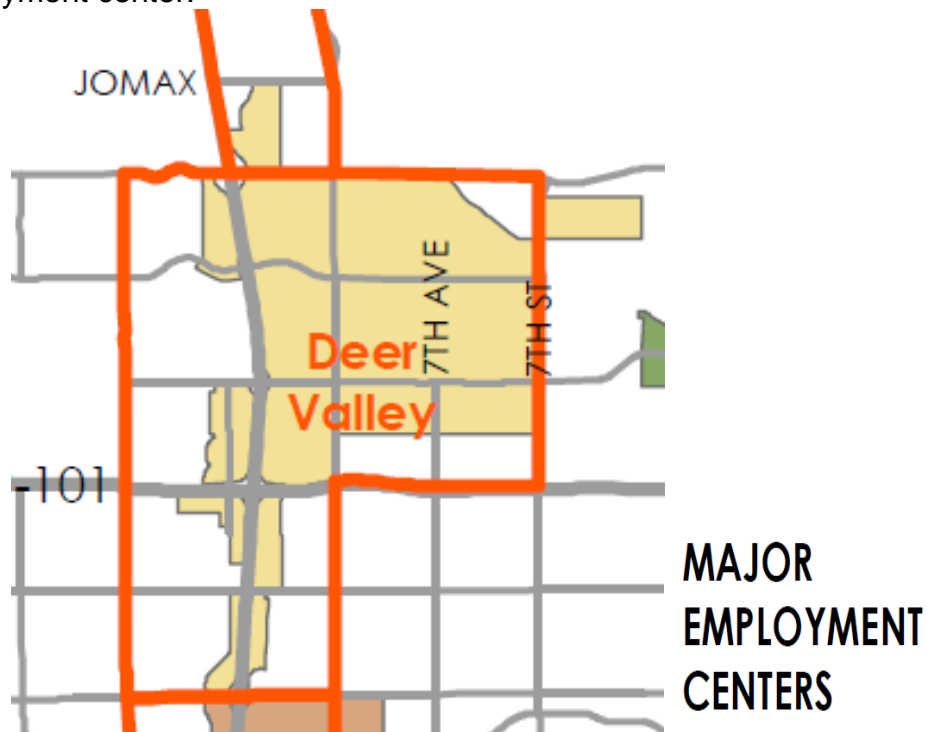


Source: City of Phoenix Planning and Development Department

with mostly commerce park; warehouse or office type uses and more recently with multifamily residences. Mixed use with a residential component is to the west of the site.

#### Deer Valley Airport Overlay District

4. The site is located within the boundaries of the Deer Valley Airport Overlay District (DVAO). This district is intended to protect the health, safety and welfare of persons and property in the vicinity of the Deer Valley Airport (DVA) and to protect the long term viability of DVA as a general aviation facility by ensuring land use compatibility with airport operations, protecting navigable airspace from physical encroachment and requiring permanent notice of flight operations to property owners. The DVAO District is divided into three separate regulations zones. The subject site is located within Area 1. Residential uses are discouraged in Area 1, however, because of recent approvals for residential developments, the character of this area is evolving. The additional multifamily housing options will serve to provide housing options for those working in the vicinity.
5. The subject site is located along the Interstate freeway, within the Deer Valley Major Employment Center. The proposal adds to housing options within the employment center.



#### TREE AND SHADE MASTER PLAN

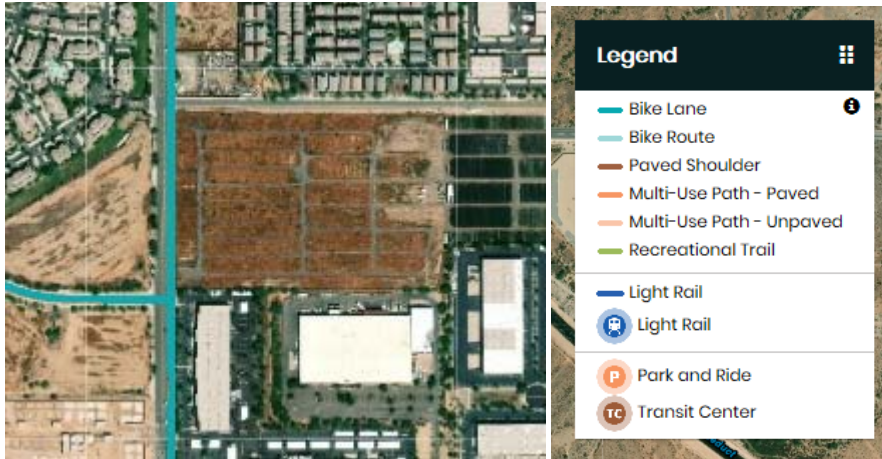
6. The Tree and Shade Master Plan has a goal of treating the urban forest as infrastructure to ensure that trees are an integral part of the city's planning and development process. In addition, a vision in the master plan is to raise awareness by leading by example. To accomplish the vision and goal of the policy document, staff is recommending a stipulation for increased landscape setbacks along the south property line. Trees within the landscape setback area will help to reduce the urban heat island effect and will provide thermal comfort for residents and guests going to and from their vehicles. This is addressed in Stipulation No. 4.

#### COMPLETE STREETS GUIDING PRINCIPLES

7. In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. To support these principles related to pedestrian connectivity and safety, staff has added stipulations to require that the developer construct a detached sidewalk, with the addition of landscaping between the sidewalk and the street, on the northern and western portions of the site along Alameda and 23rd Avenue. This is addressed in Stipulation No. 7.

#### ANALYSIS OF PROPOSAL

8. The conceptual site plan proposes a 284-unit multifamily development with access from both 23rd Avenue and Alameda Road. The development shall be limited to 298 units to ensure the development maintain similar density to developments in the area. The 16+ acre site would allow 422 units by right if the zoning is approved. Due to the height of similar residential developments in the area and the close proximity to the Deer Valley Airport staff is recommending that the development be limited to a minimum of 35 feet. To ensure similar density to other development s in the area a staff is recommending a minimum of 15 percent of the gross project area shall be retained as open space. This is addressed in Stipulation Nos. 1, 2 and 3.
9. To accommodate use of bicycles as a form of alternative transportation, staff is recommending that the developer install secured bicycle parking at 0.25 spaces for each residential unit and a minimum of four inverted U-bicycle racks for guests located near entrances to the buildings. There is an existing designated MAG Bike Lane along 23rd Avenue. This is addressed in Stipulation No. 5.



Source: MAG Bikeways

#### COMMUNITY INPUT SUMMARY

10. At the time this staff report was written, staff had not received any correspondence from the public regarding the request.

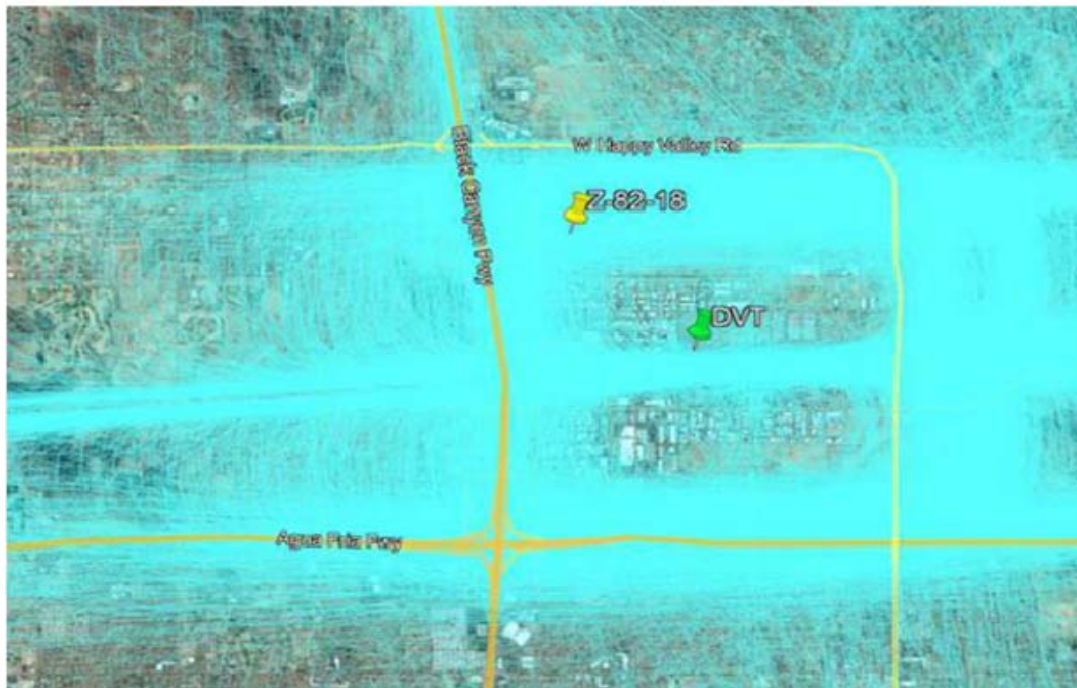


## INTERDEPARTMENTAL COMMENTS

11. The subject site is in close proximity to the Deer Valley Airport and is in an area with heavy overflight traffic. The graphic below shows arrival and departure overflight in a single week (August 2018). The Aviation Department has noted that they oppose the rezoning request but request the following mitigating stipulations if approved:
- The property is in the Public Airport Disclosure area.
  - This area may be subject to overflights of aircraft operating at the Airport. People are often irritated by repeated overflights regardless of the actual sound level at the overflight site. Therefore, 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 developer shall dedicate an easement to the City prior to construction permit approval.
  - The development must erect signage within the development's sales/leasing office.
  - The indoor noise levels shall not exceed a decibel day night-level (DNL) of 45 decibels.

These are addressed in Stipulations Nos. 9, 10, 12 and 13.

*Source: City of Phoenix Aviation Department*



12. The Street Transportation Department has provided comments. Right-of-way totaling 55 feet shall be dedicated for the east half of 23rd Avenue and that the developer shall construct all streets within and adjacent to the development. These are addressed in Stipulation Nos. 6 and 8.
13. The Public Works, Floodplain Management Department has provided comments. It has been determined that this parcel is not in a Special Flood Hazard Area (SFHA), but located in a Shaded Zone X, on panel 1280 L of the Flood Insurance Rate Maps (FIRM) dated January 29, 2015.
14. The City of Phoenix Water Services Department has noted the property has existing water and sewer mains that can potentially serve the proposed development however, there is potential need to up size existing water and sewer infrastructure mains so that any remodels or new buildings will be able to meet domestic and fire code requirements.
15. The Fire Department provided comments that no fire code issues are anticipated with this case and the site and/or buildings shall comply with the Phoenix Fire Code.

#### OTHER

16. 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 Ordinance establishes standards to encourage the provision of recycling containers for multifamily, commercial and mixed-use developments meeting certain criteria. The provisions of recycling containers were not addressed in the applicant's submittal.
17. 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. This is addressed in Stipulation No. 14.
18. 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 proposal does not conform to the current General Plan Land Use Map designation. However, General Plan Amendment (GPA-DV-2-18-1) is being

requested concurrently with this rezoning request.

2. The proposed rezoning is in conformance with several General Plan goals and policies and will serve to provide additional housing choices for those who work in the area.
3. The proposed project will develop a vacant lot that is currently underutilized and as stipulated, the project is compatible with other multifamily projects in the area.

### **Stipulations**

1. The maximum building height shall be a maximum of 35 feet.
2. The development shall be limited to 298 units.
3. A minimum of 15 percent of the gross project area shall be retained as open space, as approved by the Planning and Development Department.
4. A minimum 15-foot landscape setback shall be provided along the southern property line, as approved by the Planning and Development Department.
5. The developer shall install secured bicycle parking at 0.25 spaces for each residential unit and a minimum of four inverted U-bicycle racks for guests located near entrances to the buildings and installed per section 1307.H., as approved by the Planning and Development Department.
6. Right-of-way totaling 55 feet shall be dedicated for the east half of 23rd Ave, as approved by the Planning and Development Department.
7. All sidewalks along 23rd Avenue and Alameda Road shall be detached with a minimum 5-foot wide landscaped strip located between the sidewalk and back of curb, and shall include minimum 3-inch caliper drought tolerant shade trees planted a minimum of 20 feet on center or equivalent groupings along both sides of the sidewalk, as approved by the Planning and Development Department.
8. 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.
9. The subject site is within DVAO "Area 1", development must provide Avigation

Notice consistent with DVAO part 658.D.

10. Development must provide an avigation easement to the City prior to construction permit approval.
11. Development must file FAA Form 7460 and provide City FAA's no hazard determination prior to construction permit approval.
12. Prior to occupancy, development must erect signage within the development's sales/leasing office (or equivalent signage) that is visible to prospective renters or purchases and which discloses the proximity of Deer Valley Airport and increased frequency of overflight and related aircraft noise, as approved by the Aviation Department.
13. Prior to occupancy, development must provide City a qualified engineer's report certifying the average annual interior noise exposure for any residential unit or enclosed public assembly area will not exceed 45 decibels.
14. 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**

David Simmons

January 7, 2019

**Team Leader**

Samantha Keating

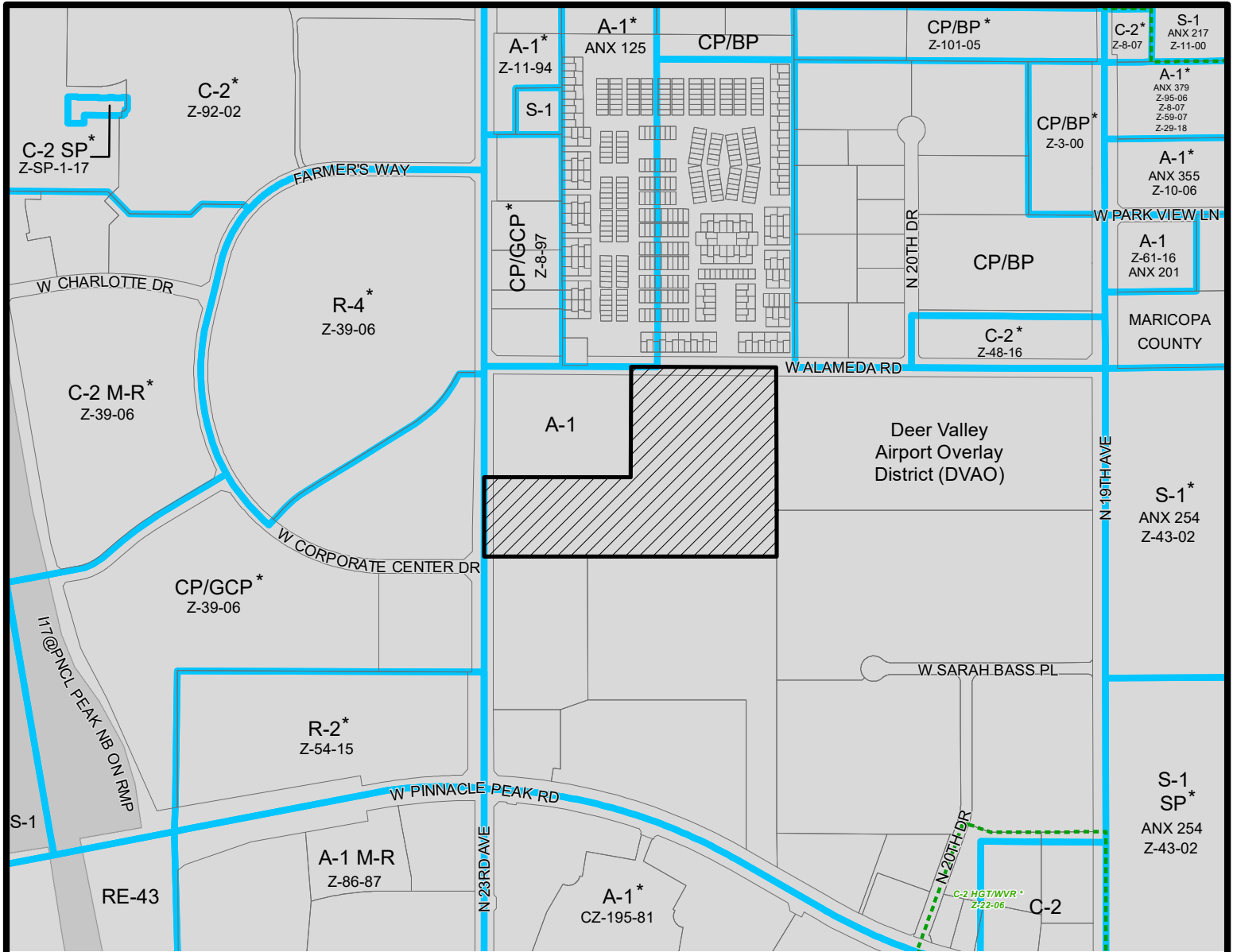
**Exhibits**

Sketch Map

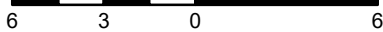
Aerial

Site Plan date stamped November 13, 2018 (2 pages)

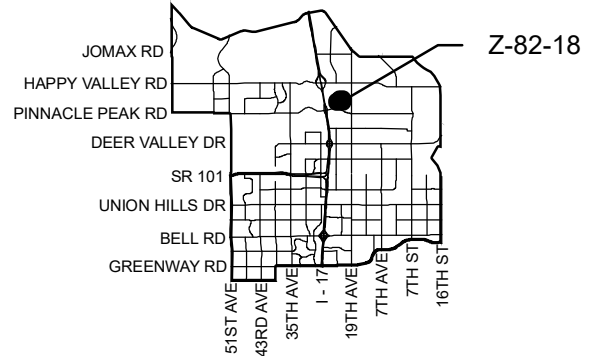
Elevations Date Stamped November 13, 2018 (3 pages)



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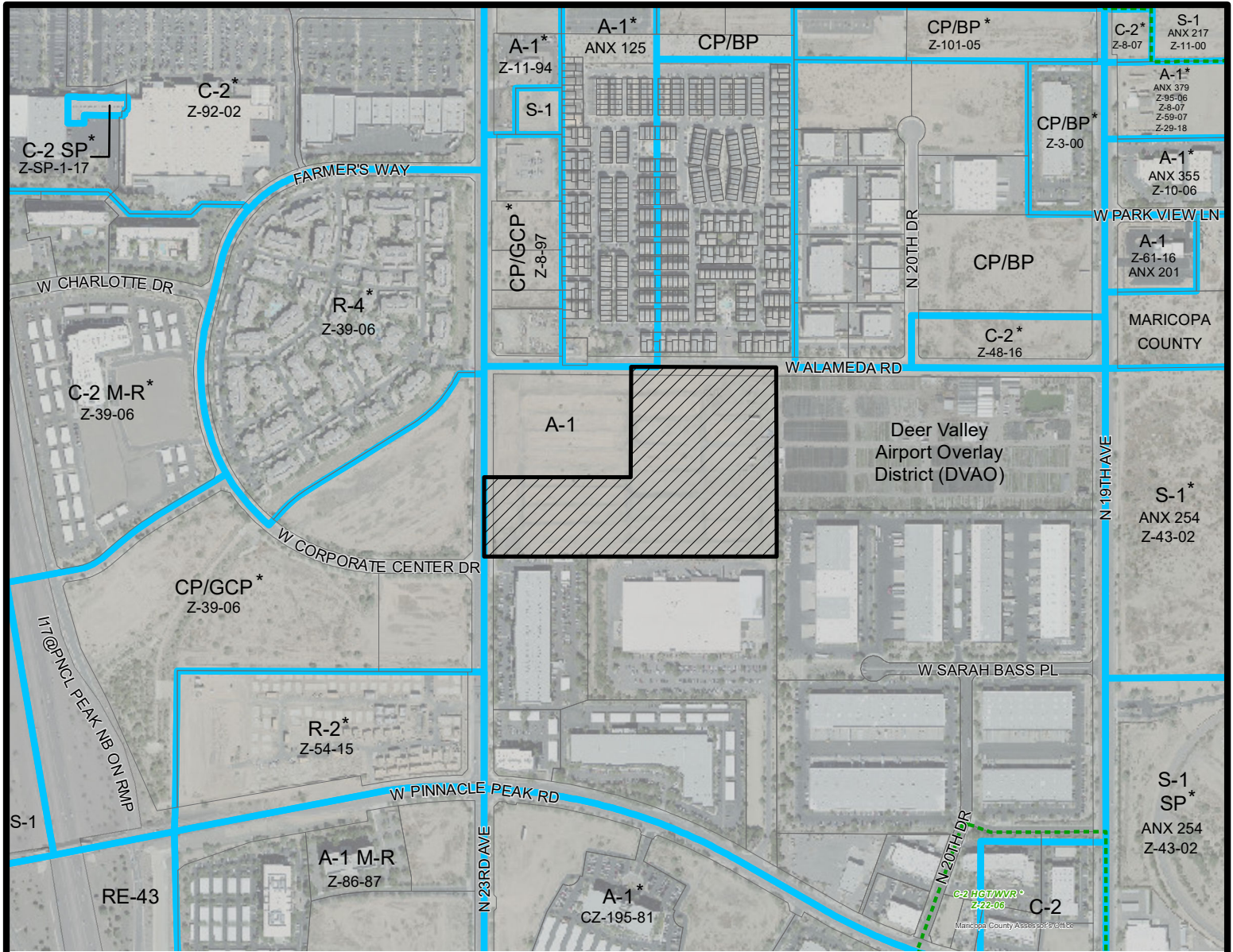


**DEER VALLEY VILLAGE**  
CITY COUNCIL DISTRICT: 1

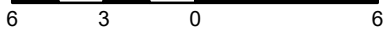


<b>APPLICANT'S NAME:</b> Erin Conway, Continental Fund 481 Fund,		<b>REQUESTED CHANGE:</b>	
<b>APPLICATION NO.</b> Z-82-18		<b>FROM:</b> A-1 DVAO ( 16.78 a.c.)	
<b>DATE:</b> 11/30/2018 <small>REVISION DATES:</small>		<b>TO:</b> R-3A DVAO ( 16.78 a.c.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> <b>16.78 Acres</b>		<small>AERIAL PHOTO &amp; QUARTER SEC. NO.</small> <b>QS 45-24</b>	<small>ZONING MAP</small> <b>O-7</b>
<b>MULTIPLES PERMITTED</b>		<b>* UNITS P.R.D. OPTION</b>	
A-1 DVAO		N/A	
R-3A DVAO		443	

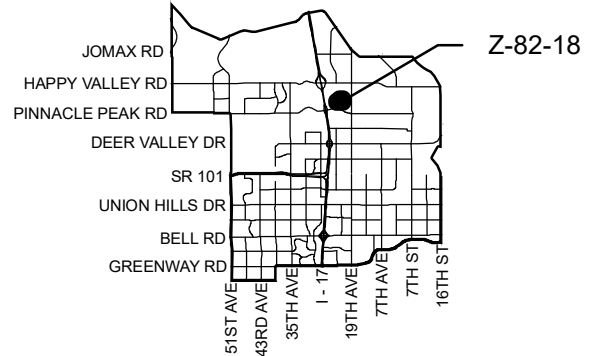
\* Maximum Units Allowed with P.R.D. Bonus



Miles



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<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> <b>16.78 Acres</b>		<small>AERIAL PHOTO &amp; QUARTER SEC. NO.</small> <b>QS 45-24</b>	<small>ZONING MAP</small> <b>O-7</b>
<b>MULTIPLES PERMITTED</b>		<b>* UNITS P.R.D. OPTION</b>	
A-1 DVAO		N/A	
R-3A DVAO		443	

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

# CONTINENTAL 481 FUND LLC

An affiliate of



W134 N8675 Executive Parkway  
Menomonee Falls, WI 53052  
Phone: 262-502-5500 Fax: 262-502-5522  
Email: egummm@cproperties.com  
econway@cproperties.com

## PROJECT INFORMATION

SEC 23RD AVENUE AND ALAMEDA ROAD

APN: A PORTION OF 210-05-010A

QTR. SEC.:45-24

EXISTING ZONING: A-1

PROPOSED ZONING:R-3A PRD

GROSS SITE AREA: 16 ACRES

NET SITE AREA: 16 ACRES

LOT SALES PROPOSED:NO

**CITY OF PHOENIX**  
NOV 13 2018  
Planning & Development  
Department

SITE INFORMATION	
MULTIFAMILY AREA	16.00 ACRES
TOTAL AREA	16.00 ACRES
DENSITY	17.75 DU/ACRE
BUILDING / LANDSCAPE SETBACKS	NORTH 25'/20' SOUTH 15'/15' EAST 15'/15' WEST 25'/20'
BUILDING INFORMATION	
CLUBHOUSE	4,630 SF
BUILDING COLOR SCHEME	MASONRY
RESIDENT BUILDINGS	QUANTITY HEIGHT
B20E (20 DU/BUILDING)	7 2-STORY / 35'
G24E (24 DU/BUILDING)	6 2-STORY / 35'
	0
<b>TOTAL RESIDENT BUILDINGS</b>	<b>13</b>
GENERAL HOME MIX	HOMES PERCENTAGE
STUDIO	38 13%
1-BEDROOM	104 37%
2-BEDROOM	116 41%
3-BEDROOM	26 9%
<b>TOTAL HOMES</b>	<b>284 100%</b>
PARKING INFORMATION	
PARKING	QUANTITY
ATTACHED GARAGES	56
ATTACHED TO HOME	49
FLOATER	7
TANDEM SPACES	NOT INCLUDED
DETACHED GARAGES	12
6G (6-BAY)	1
6GS-2 (6-BAY WITH STORAGE)	1
CARPORTS	220
MAINTENANCE GARAGE (MG-P)	1
TOTAL COVERED PARKING	289
SURFACE PARKING	185
APRON SPACES	42
TOTAL UNCOVERED PARKING	227
<b>TOTAL PARKING PROVIDED</b>	<b>516</b>
PARKING REQUIRED PER CODE	0
HOME PARKING RATIO	1.82
OVERALL GARAGES/HOME	0.24
COVERED PARKING RATIO	0.56
CLUBHOUSE PARKING	17
ADA PARKING	20
PARKING DIMENSIONS	
STANDARD STALL	PERP - 9' X 18'
ADA STALL	PERP - 9' X 18'
COMPACT STALL	N/A
DRIVE WIDTH	24'
SITE AMENITIES	
AMENITY	QTY / SF / NOTES
SWIMMING POOL	INCLUDED
FITNESS CENTER	INCLUDED
CAR CARE CENTER	INCLUDED
PET PLAYGROUND TYPE A	3,500 SF
PET PLAYGROUND TYPE C	4,000 SF
ENCLOSED YARDS	10
STORAGE LOCKERS	8
PARCEL PICKUP	INCLUDED
GRILLING AREA	INCLUDED
<b>PROPERTY BOUNDARY</b>	<b>CAD</b>

PARKING REQUIREMENTS		
	CODE	REQUIRED BY CODE
STUDIO	1.3/UNIT	49.4
ONE BEDROOM	1.5/UNIT	154
TWO BEDROOM	1.5/UNIT	174
THREE BEDROOM	2/UNIT	52
<b>REQUIRED BY CODE</b>		<b>429.4</b>
<b>PROVIDED</b>		<b>516</b>

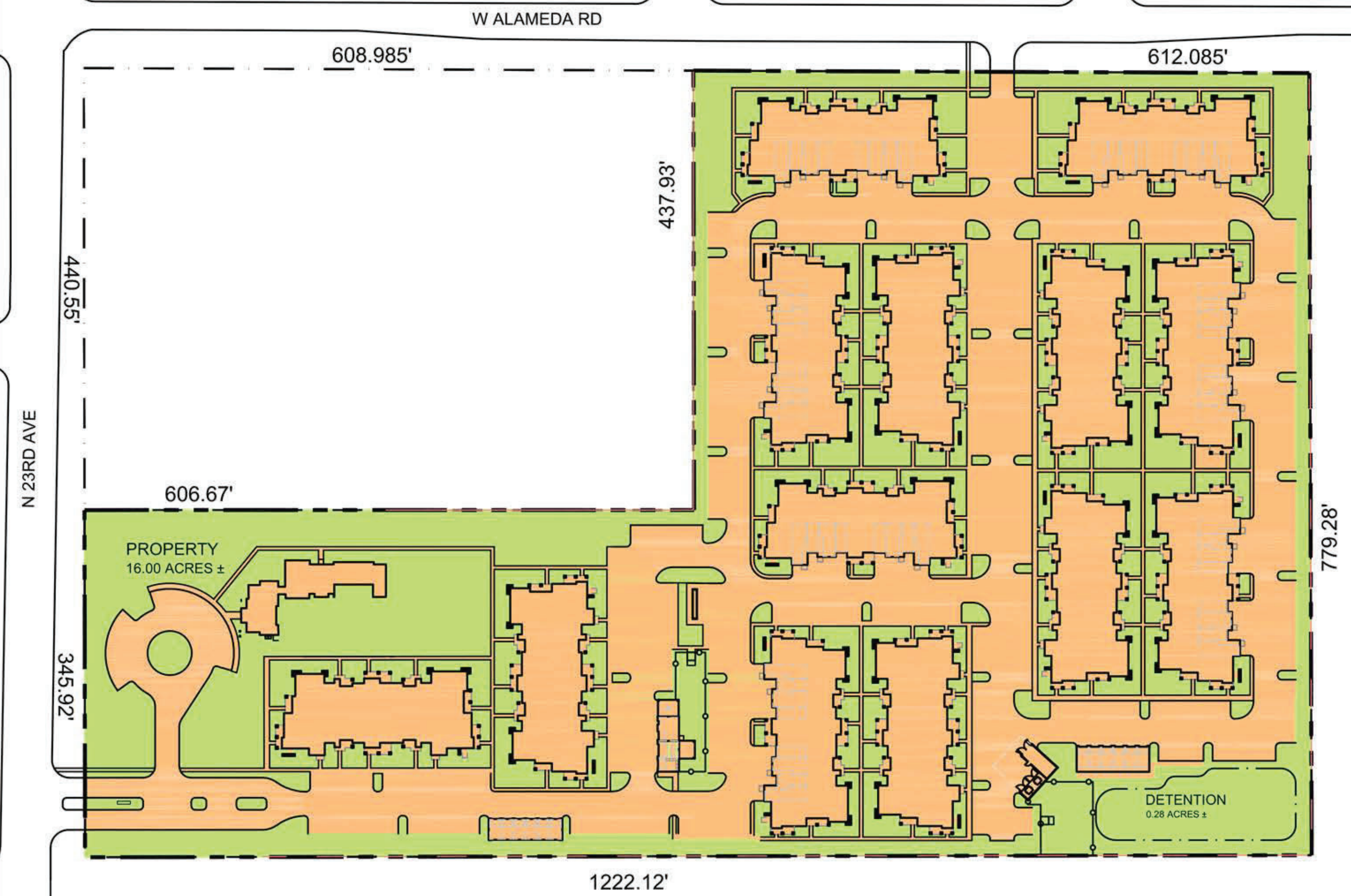
### PROPOSED LANDSCAPE AREA VS PAVED AREAS



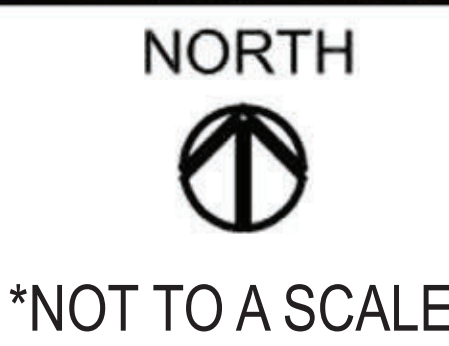
PAVED/BUILT AREA  
±9.09 ACRES  
±57% OF PROPERTY



LANDSCAPED AREA  
±6.91 ACRES  
±43% OF PROPERTY



\*NOT TO A SCALE



W ALAMEDA RD

608.985'

6' DECORATIVE FENCE

PROPOSED EMERGENCY ACCESS POINT

612.085'

CITY OF PHOENIX  
NOV. 13, 2018  
Planning & Development  
Department

COMMERCIAL/  
OFFICE/  
RETAIL/HOTEL  
5.95 ACRES ±

437.93'

8' SCREEN WALL  
PER CODE

CARPORTS

TRAFFIC CALMING  
RUMBLE STRIP

6' DECORATIVE FENCE  
POOL MAIL KIOSK

FLAGPOLES

606.67'

LANDSCAPE SETBACK

PROPERTY  
16.00 ACRES ±

PROPOSED 1 STORY  
CLUBHOUSE  
4,360 S.F.

PROPOSED 2 STORY  
RESIDENTIAL  
BUILDING 2  
12,148 S.F.

PROPOSED 2 STORY  
RESIDENTIAL  
BUILDING 1  
12,148 S.F.

345.92'

BUILDING SETBACK

17

PROPOSED 2 STORY  
RESIDENTIAL  
BUILDING 7  
12,332 S.F.

PROPOSED 2 STORY  
RESIDENTIAL  
BUILDING 8  
12,148 S.F.

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# 20 UNIT RESIDENTIAL BUILDING ELEVATIONS



FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



CITY OF PHOENIX  
NOV 13 2018  
Planning & Development  
Department

# 24 UNIT RESIDENTIAL BUILDING ELEVATIONS



FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION

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Department

# CLUBHOUSE ELEVATIONS



FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION

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