



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**Staff Report Z-47-22-1**  
**October 7, 2022**

**Deer Valley Village Planning Committee Meeting Date:** October 13, 2022

**Planning Commission Hearing Date:** November 3, 2022

**Request From:** C-1 (Neighborhood Retail) (1.56 acres)

**Request To:** C-2 (Intermediate Commercial) (1.56 acres)

**Proposed Use:** Commercial use

**Location:** Southwest corner of 35th Avenue and Paradise Lane

**Owner:** Sunrise 1, LLC

**Applicant:** David E. Richert

**Representative:** David E. Richert

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

<u>General Plan Conformity</u>			
<u>General Plan Land Use Map Designation</u>		Residential 5 to 15 dwelling units/acre	
<u>Street Map Classification</u>	35th Avenue	Major Arterial	55-feet west half street
	Paradise Lane	Minor Collector	30-feet south half street

***CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CLEAN NEIGHBORHOODS; Facilitate the acquisition of vacant, underutilized, and blighted parcels for appropriate redevelopment, compatible with the adjacent neighborhood character and adopted area plans.***

The proposed rezoning allows for the opportunity to provide additional commercial development on an underutilized parcel. As proposed and stipulated, the rezoning request is designed to be sensitive to the surrounding neighborhood and compatible

with the surrounding residential and commercial uses. There are appropriate building and landscape setbacks and landscaping for screening and pedestrian comfort.

**CONNECT PEOPLE AND PLACES CORE VALUES; OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.**

The requested zoning will allow for a low intensity commercial use with relatively low traffic volumes, that is consistent with the scale and character of the surrounding area and will serve as a buffer between the single-family neighborhood and the major arterial street. Adjacent non-residential uses include a professional plaza, an electrical substation, city park, and a church.

**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.**

The proposal, as stipulated, sets forth extensive landscaping standards designed to provide robust tree shade cover along its street frontages. Detached sidewalks along all street frontages framed with landscape strips will provide thermal comfort for pedestrians. The proposal, as stipulated, also requires that a minimum of 75 percent of public pedestrian pathways be shaded.

#### Applicable Plans, Overlays, and Initiatives

[Tree and Shade Master Plan](#): Background Item No. 5.

[Complete Streets Guidelines](#): Background Item No. 6.

[Zero Waste PHX](#): Background Item No. 7.

#### Surrounding Land Uses and Zoning

	<u>Land Use</u>	<u>Zoning</u>
<b>On Site</b>	Vacant	C-1
<b>North</b>	Single-family residential	R1-8
<b>South</b>	Professional plaza	C-1
<b>East (across 35th Avenue)</b>	Conocido Park	S-1
<b>West</b>	Single-family residential	R1-10

<b>C-2 (Intermediate Commercial)</b>		
<b><u>Standards</u></b>	<b><u>Requirements</u></b>	<b><u>Proposed</u></b>
<b>Minimum Building Setbacks</b>		
Adjacent to Streets: (East – 35th Avenue North – Paradise Lane)	Average 25 feet, minimum 20 feet permitted for up to 50% of the structure	Met – 25 feet
Not Adjacent to Streets: (West – Adjacent to R1-10)	25 feet	Met – 29 feet
Not Adjacent to Streets: (South – Adjacent to C-1)	0 feet	Met – 0 feet
<b>Minimum Landscape Setbacks</b>		
Adjacent to Streets: (East – 35th Avenue North – Paradise Lane)	Average 25 feet, minimum 20 feet permitted for up to 50% of the structure	Met – 29 feet
Not Adjacent to Streets: (West – Adjacent to R1-10)	10 feet	Met – 10 feet
Not Adjacent to Streets: (South – Adjacent to C-1)	0 feet	Met – 0 feet
Lot Coverage	Maximum 50%	Met – 33.08%
Building Height	Maximum 2 stories / 30 feet	Met – 1 story/15 feet
Parking	Minimum 5 spaces required	Met – 5 spaces provided

**Background/Issues/Analysis**

**SUBJECT SITE HISTORY AND PROPOSAL**

- This request is to rezone 1.56 acres located at the southwest corner of 35th Avenue and Paradise Lane from C-1 (Neighborhood Retail) to C-2 (Intermediate Commercial) to allow commercial uses. Companion rezoning case No. Z-SP-5-22-1 is a request to add a special permit for a self-service storage facility. The subject site was annexed into the city in 1965 under S-1 equivalency zoning. In 1986 the site was approved for C-1 zoning for a preschool. The preschool burned down around 2005 and the lot has remained vacant ever since.



Site in 1969



Preschool circa 1991



Site in 2022

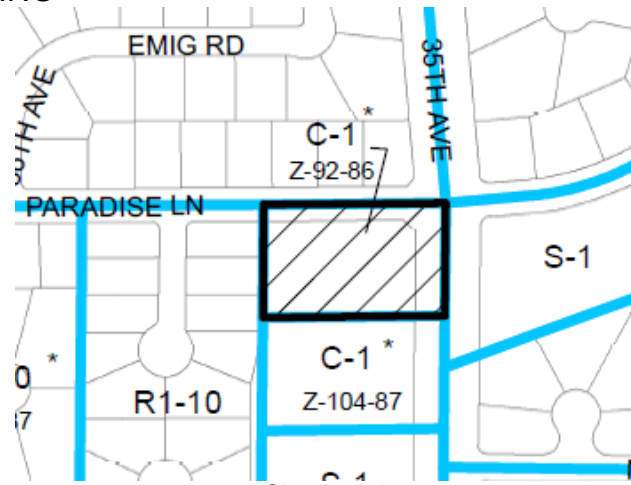
Site Aerials

Source: City of Phoenix Planning and Development Department

### SURROUNDING LAND USES AND ZONING

2. The requested zoning district is consistent and compatible with the surrounding land uses. The surrounding zoning districts are C-1 (Neighborhood Retail) to the south, S-1 (Ranch or Farm Residence) to the east (across 35th Avenue), R1-10 (Single-family Residence District) to the west, and R1-8 (Single-family Residence District) to the north (across Paradise Lane).

The surrounding land uses are single-family residential to the north and west, a public park to the east, and a business professional building to the south.

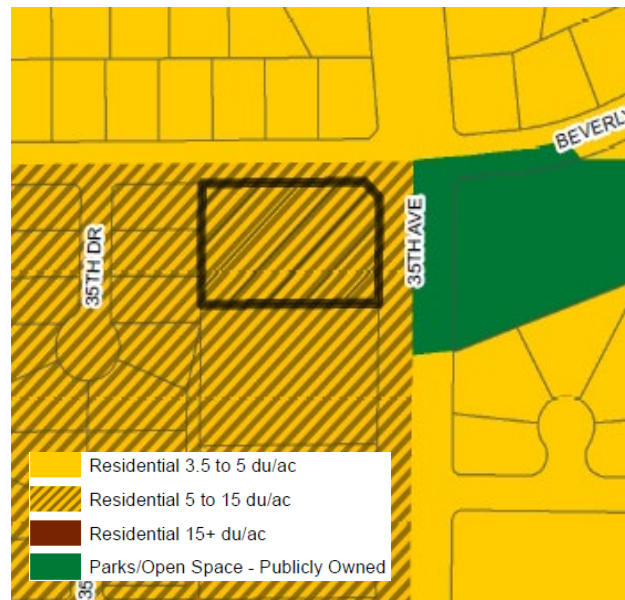


Source: City of Phoenix Planning and Development Department

### GENERAL PLAN LAND USE MAP DESIGNATION

3. The General Plan Land Use Map designation for the subject site is Residential 5 to 15 dwelling units per acre. The General Plan Land Use Map designations to the west and south are Residential 5 to 15 dwelling units per acre. To the north the General Plan Land Use Map designation is Residential 3.5 to 5 dwelling units per acre. West of the site the General Plan Land Use Map designation is Parks/Open Space - Public. Although the proposal is not consistent with the General Plan Land Use Map designation, it is compatible with the surrounding land uses. A General Plan amendment is not required since the property, combined with the property to the south, is less than 10 acres.

General Plan Land Use Map

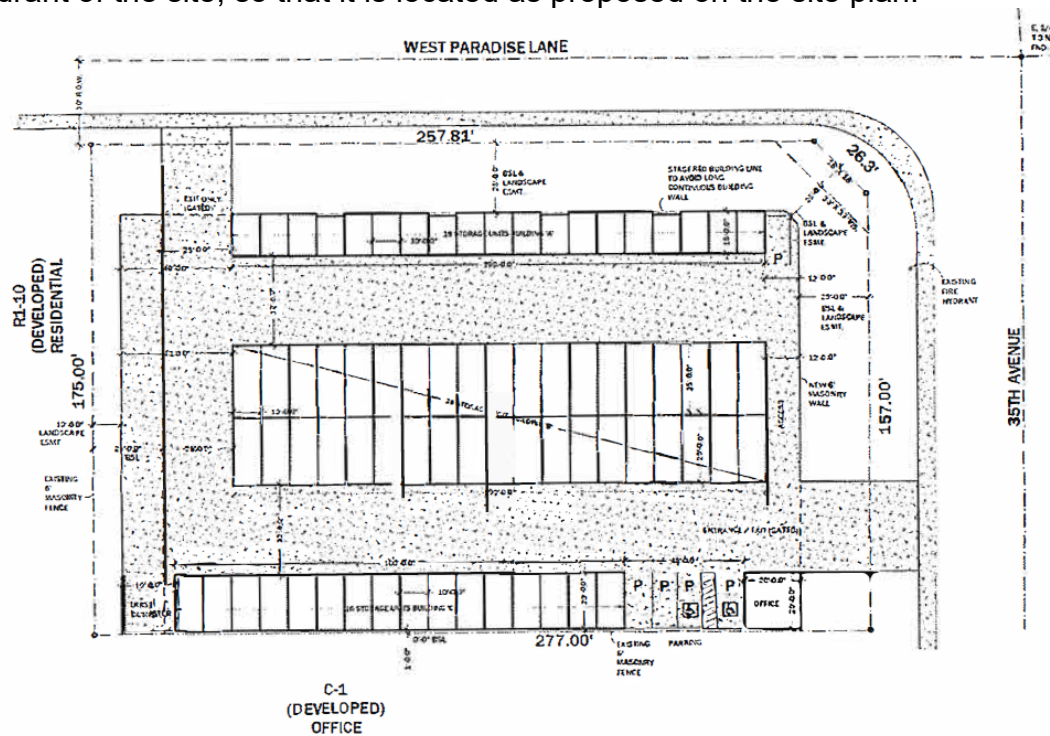


Source: City of Phoenix Planning and Development Department

## PROPOSAL

### 4. Site Plan

The applicant is proposing a self-service storage facility. The proposed storage units and office will maintain a 28-foot building setback from the east and north property lines. No proposed building will exceed a height of 15 feet. The conceptual site plan indicates two vehicular access points located along 35th Avenue and Paradise Lane. General conformance to the site plan submitted on June 9, 2022, is not stipulated because the access point on Paradise Lane will require a variance to provide ingress/egress from a commercial property onto a residential street. The entrance point located on 35th Avenue will require a modification as addressed in Stipulation No.11. Parking areas will be located adjacent to the office area near the southeast portion of the site. Furthermore, wide building setbacks of 29 and 50 feet are depicted on the site plan along the west property line, which is larger than that required by the Zoning Ordinance and will help buffer the uses on the site. Stipulation No. 2 addresses this enhanced building setback and requires at minimum 28 feet. Stipulation No. 3 requires that the primary customer parking area be located on the southeast quadrant of the site, so that it is located as proposed on the site plan.



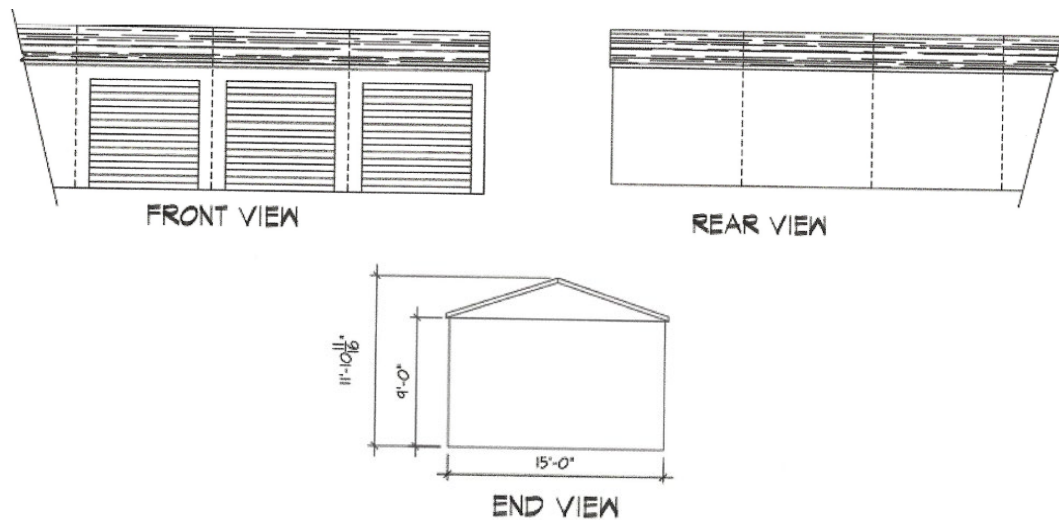
Proposed Site Plan  
Source: Katich Enterprises, Inc.

### Elevations

The conceptual building elevations depict architectural features that include variations in colors and building articulation, and emphasizes the southeast



corner of the site where the primary pedestrian entrance is located. Staff is not recommending general conformance to the submitted building elevations to allow flexibility with the design of the building to allow flexibility with the design of the building. However, to ensure the height is compatible with the single-family residential development to the south, staff is recommending Stipulation No.1 for a maximum building height of 20 feet.



Proposed Elevations  
Source: Applicant

## STUDIES AND POLICIES

### 5. [Tree and Shade Master Plan](#)

The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City's planning and development process. Sidewalks on the street frontages should be detached from the curbs to allow trees to be planted on both sides of the sidewalk to provide thermal comfort for pedestrians and to reduce the urban heat island effect. Staff is recommending stipulations designed to provide trees and enhance shade within the development.

The proposal includes stipulations for enhanced landscaped areas, detached sidewalks, and a minimum 75 percent shade requirement for all public sidewalks in Stipulation Nos. 4-6.

### 6. [Complete Streets Guidelines](#)

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 provide a safe pedestrian environment staff is recommending enhanced pavement treatment for the on-site pedestrian walkways that cross vehicular drive aisles. This is addressed in

Stipulation No. 8. This development will help enhance the immediate street frontage by providing a detached sidewalk along 35th Avenue and along Paradise Lane. Furthermore, a bus pad is required per Stipulation No. 10 and bicycle parking will be required on the site to encourage alternative transportation. This is addressed in Stipulation No. 9. In addition, any street improvements will be done to City of Phoenix and ADA standards. This is addressed in Stipulation No. 14. In addition, Stipulation No. 7 will require the developer to construct a multi-use trail along the south side of Paradise Lane.

7. **Zero Waste PHX:**

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero-waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and Section 716 of the Phoenix Zoning Ordinance expand its recycling and other waste diversion programs. The applicant indicated that recycling containers will be provided on site.

#### COMMUNITY CORRESPONDENCE

8. As of the writing of this report, staff has received one written letter in opposition from the public regarding this request with concerns about increased traffic, loss of property values, and security.

#### INTERDEPARTMENTAL COMMENTS

9. The Fire Department indicated there are no problems anticipated with the case and that the site and/or buildings shall comply with the International Fire Code with Phoenix Amendments. Further, the Department commented that they do not know the water supply at this site and noted that fire flow requirements may present a challenge for this site.
10. The Street Transportation Department commented that all required street improvements shall be provided and meet ADA standards. This is addressed in Stipulation No. 14. The department is also requiring a modified driveway on 35th Avenue and half street right of way dedications which are addressed in Stipulation Nos. 11 through 13.
11. The Public Transit Department has required the developer to construct a bus stop pad along southbound 35th Avenue with right-of-way dedication as necessary along with a clearly defined, accessible and shaded pedestrian pathway to connect all main site elements and public sidewalks. The department further required that all pedestrian sidewalks be shaded to 75 percent at tree maturity. These standards have been addressed in Stipulation Nos. 5, 6, and 10.

#### OTHER

12. The site has not been identified as being archeologically sensitive. However, in the event archaeological materials are encountered during construction, all

ground disturbing activities must cease within a 33-foot radius of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation No. 15.

13. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to preliminary site plan approval. This is addressed in Stipulation No. 16.
14. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements such as obtaining a use permit to conduct the proposed outdoor use in this zoning district. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

### **Findings**

1. The proposed development is appropriate at this location and is consistent with the scale and existing uses in the surrounding area.
2. The proposal will provide commercial development on an underutilized parcel and will facilitate pedestrian-oriented design and promote a safer walking environment.
3. The development, as stipulated, will incorporate design and landscaping features that enhance the location, consistent with General Plan goals and principles.

### **Stipulations**

1. The maximum building height shall be 20 feet.
2. A minimum building setback of 28 feet shall be required along the west property line.
3. The primary customer parking area shall be located on the southeast quadrant of the site, as approved by the Planning and Development Department.
4. The applicant shall provide a 25-foot by 25-foot enhanced landscape area at the northeast corner of the site to include a minimum of two 4-inch caliper trees with five 5-gallon shrubs per tree and raised flower beds to compliment the landscape theme, as approved by the Planning and Development Department.
5. The developer shall construct a minimum 5-foot-wide detached sidewalk and



minimum 11-foot-wide landscape strip located between the sidewalk and back of curb, along the west side of 35th Avenue, planted to the following standards and as approved by the Planning and Development Department.

- a. Minimum 75 percent two-inch caliper single-trunk drought-tolerant shade trees and 25 percent three-inch caliper single-trunk drought-tolerant shade trees planted a minimum of 20 feet on center or in equivalent groupings and provide a minimum of 75 percent shade at maturity.
- b. Drought tolerant vegetation to achieve 75 percent live coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

6. The developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 8-foot-wide landscape strip located between the sidewalk and back of curb, along the south side of Paradise Lane, planted to the following standards and as approved by the Planning and Development Department.

- a. Minimum 75 percent two-inch caliper single-trunk drought-tolerant shade trees and 25 percent three-inch caliper single-trunk drought-tolerant trees planted a minimum of 20 feet on center or in equivalent groupings and provide a minimum of 75 percent shade at maturity.
- b. Drought tolerant vegetation to achieve 75 percent live coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

7. A 30-foot wide multi-use trail easement (MUTE) shall be dedicated along the south side of Paradise Lane and a minimum 10-foot wide multi-use trail (MUT) shall be constructed within the easement, in accordance with the MAG supplemental detail indicated in Section 429 and as modified or approved by the Planning and Development Department.
8. Where pedestrian pathways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts with parking and drive aisle surfaces, as approved by the Planning and Development Department.
9. A minimum of 4 bicycle parking spaces shall be provided through Inverted U and/or artistic racks installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, or in a secure room, as approved by the Planning

and Development Department.

10. The developer shall construct a bus stop pad along southbound 35th Avenue with right-of-way dedication as necessary. The design shall be according to City of Phoenix Standard Detail P1260 with a depth of 10 feet and located from the intersection of Paradise Lane according to City of Phoenix Standard Detail P1258.
11. The developer shall construct a modified P-1243-3 right-in / right-out and left-in only driveway along 35th Avenue, as approved by the Planning and Development Department and Street Transportation Department.
12. The developer shall dedicate minimum 30-feet of right-of-way for the south half of Paradise Lane, as approved by the Planning and Development Department.
13. The developer shall dedicate minimum 55-feet of right-of-way for the west half of 35th Avenue, as approved by the Planning and Development Department.
14. 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.
15. 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.
16. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. 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.

**Writer**

Elias Valencia

October 7, 2022

**Team Leader**

Racelle Escolar

**Exhibits**

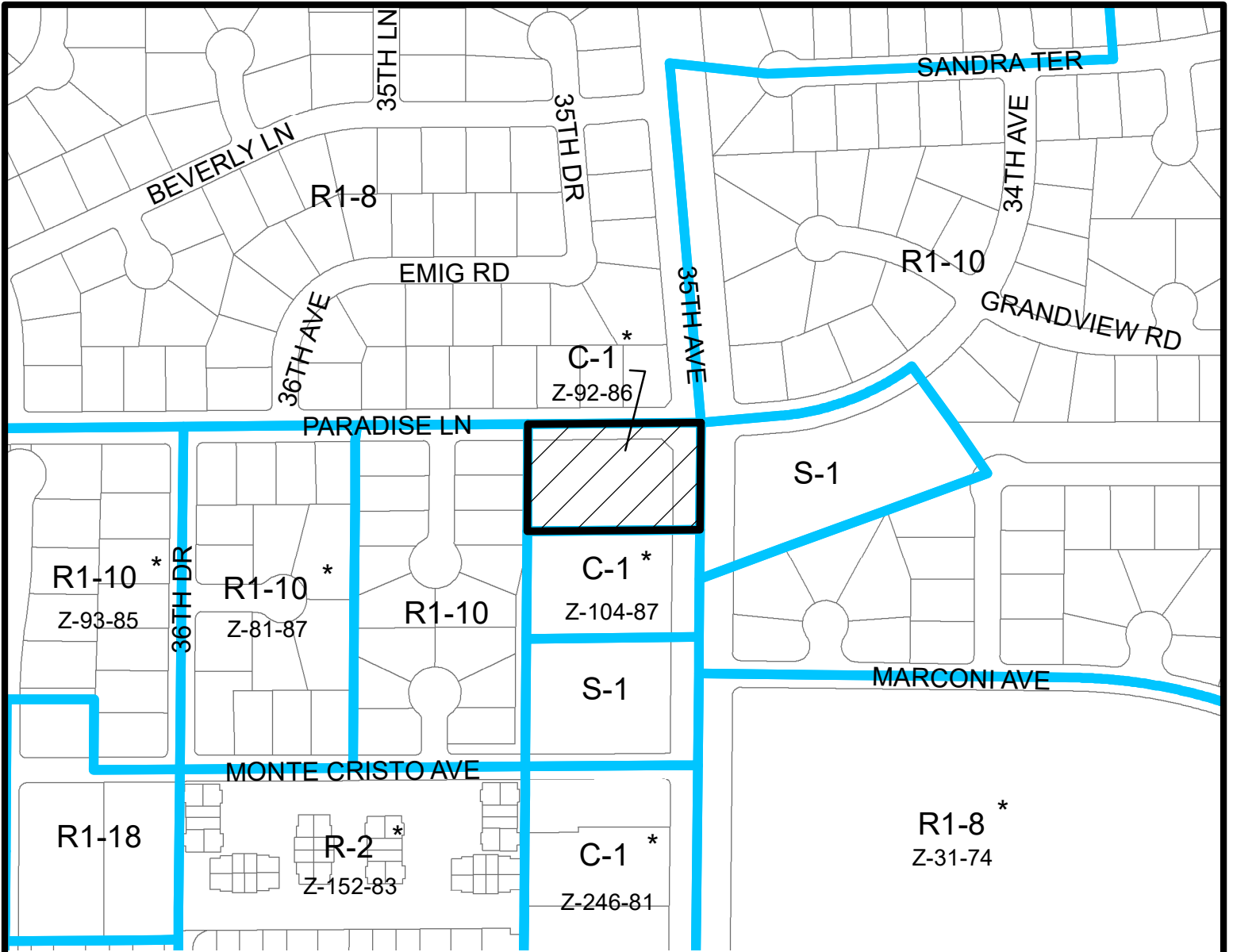
Zoning sketch map

Aerial sketch map

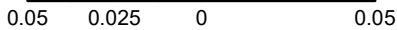
Conceptual Site Plan date stamped June 9, 2022

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Conceptual Elevations date stamped June 9, 2022  
Community Correspondence (1 page)



Miles

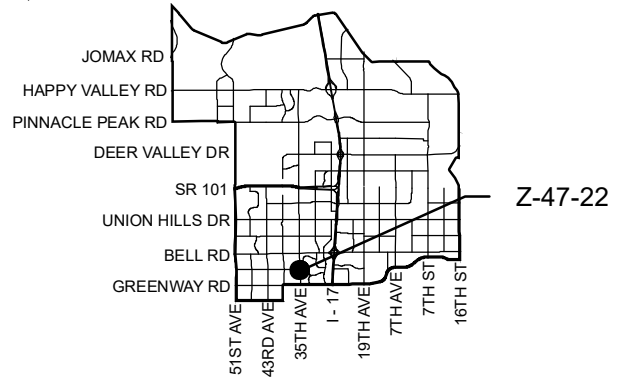


**DEER VALLEY VILLAGE**

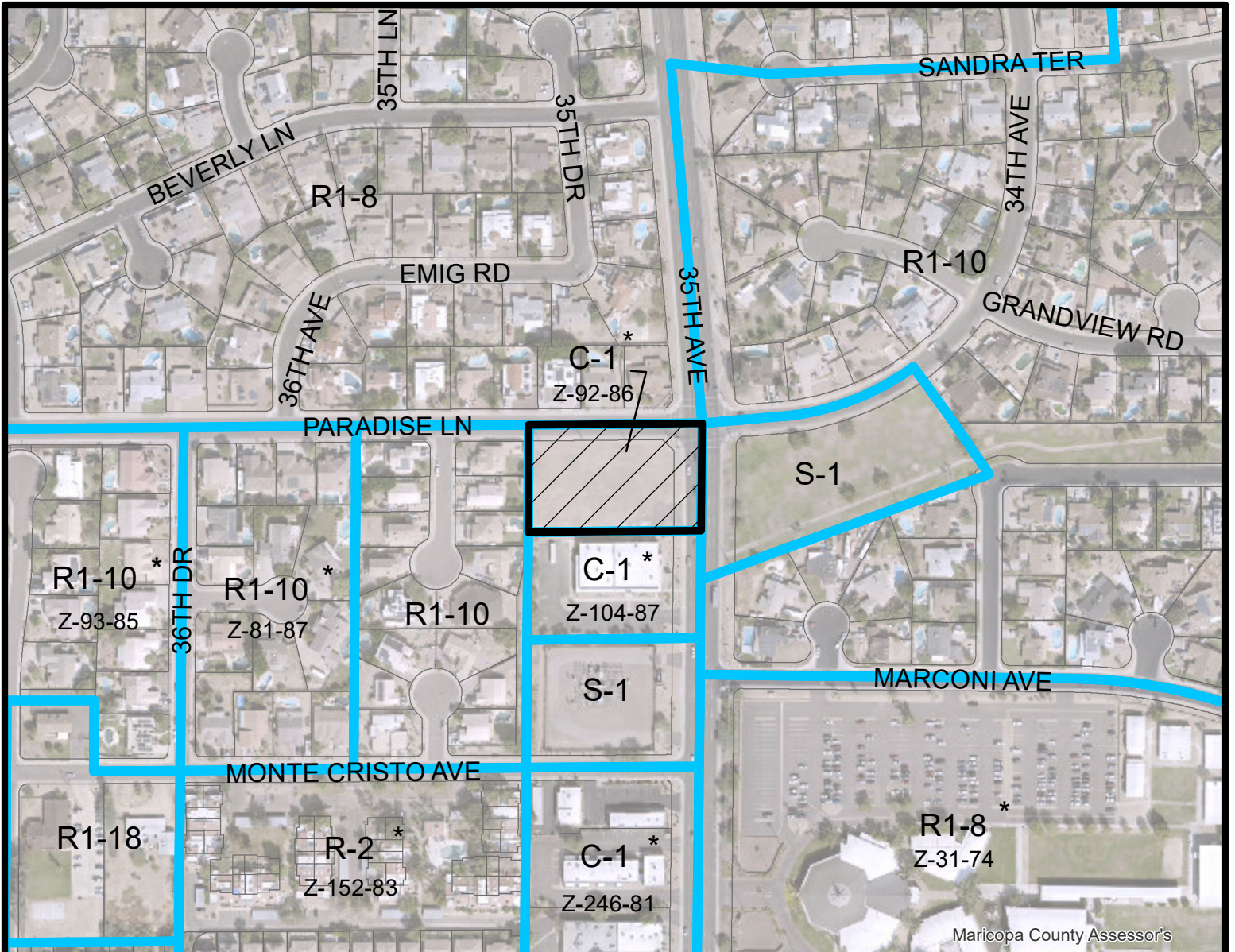
CITY COUNCIL DISTRICT: 1



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT



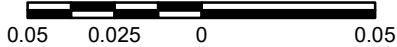
<b>APPLICANT'S NAME:</b> David E. Richert		<b>REQUESTED CHANGE:</b>	
<b>APPLICATION NO.</b> Z-47-22		<b>FROM:</b> C-1 ( 1.56 a.c.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> <b>1.56 Acres</b>		<small>DATE:</small> 6/29/2022 <small>REVISION DATES:</small>	
<small>AERIAL PHOTO &amp; QUARTER SEC. NO.</small> <b>QS 35-20</b>		<small>ZONING MAP</small> <b>L-6</b>	
<b>MULTIPLES PERMITTED</b>		<b>* UNITS P.R.D. OPTION</b>	
C-1		27	
C-2		27	
<b>* Maximum Units Allowed with P.R.D. Bonus</b>			
<b>CONVENTIONAL OPTION</b>		<b>TO:</b> C-2 ( 1.56 a.c.)	
22			
22			



Maricopa County Assessor's



Miles

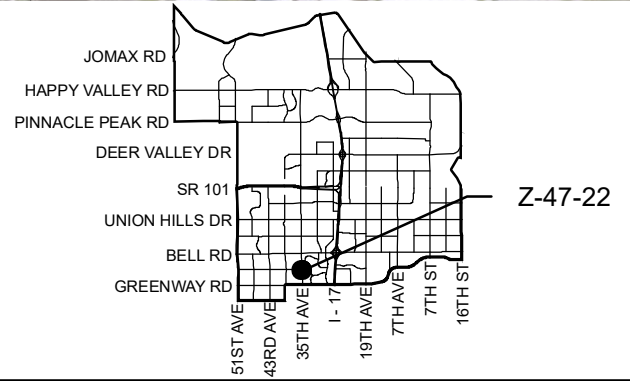


**DEER VALLEY VILLAGE**

CITY COUNCIL DISTRICT: 1



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT



<b>APPLICANT'S NAME:</b> David E. Richert		<b>REQUESTED CHANGE:</b>	
<b>APPLICATION NO.</b> Z-47-22		<b>FROM:</b> C-1 ( 1.56 a.c.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> <b>1.56 Acres</b>		<b>TO:</b> C-2 ( 1.56 a.c.)	
<b>MULTIPLES PERMITTED</b>		<b>CONVENTIONAL OPTION</b>	
C-1		22	
C-2		22	
		<b>* UNITS P.R.D. OPTION</b>	
		27	
		27	

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







DATE:   
 REVISIONS:   
 SUNRISE 1 LLC   
 DON EMCH   
 4122 W PARADISE LANE   
 PHOENIX, AZ 85053

REVISIONS:   
 1.   
 2.   
 3.   
 4.   
 5.

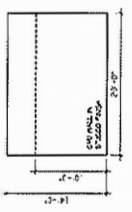
PROJECT ADDRESS:   
 16044 N 35TH AVE   
 PHOENIX, AZ 85053

KEI   
 PLANNING & DESIGN   
 NATCH ENTERPRISES, INC.   
 P.O. BOX 1333   
 GLENDALE, AZ 85318   
 (623) 680-2709

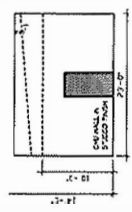
EXTERIOR ELEVATIONS

PROJECT ADDRESS:   
 16044 N 35TH AVE   
 PHOENIX, AZ 85053

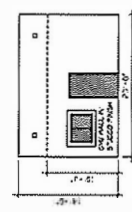
SHEET NO.   
 A2



EXTERIOR VIEW   
 20' x 20' OFFICE



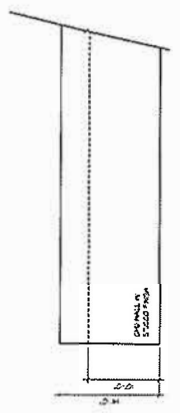
INTERIOR VIEW   
 20' x 20' OFFICE



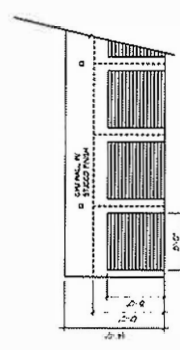
INTERIOR VIEW   
 20' x 20' OFFICE



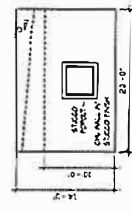
END VIEW - STREET VIEW   
 20' x 20' OFFICE



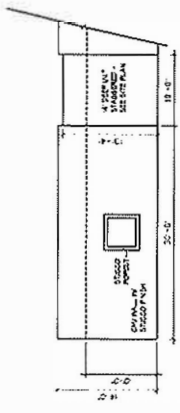
EXTERIOR SIDE VIEW   
 10' x 20' STORAGE UNITS



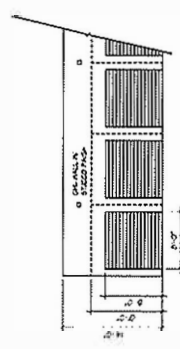
INTERIOR DOOR SIDE VIEW   
 10' x 20' STORAGE UNITS



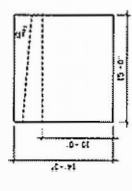
END VIEW - NORTH & SOUTH   
 10' x 20' STORAGE UNITS



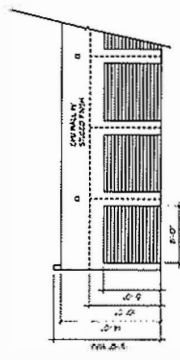
EXTERIOR SIDE VIEW   
 10' x 17 1/2' STORAGE UNITS



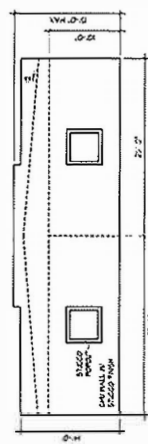
INTERIOR DOOR SIDE VIEW   
 10' x 17 1/2' STORAGE UNITS



END VIEW - NORTH & SOUTH   
 10' x 17 1/2' STORAGE UNITS



INTERIOR DOOR SIDE VIEW   
 EAST & WEST VIEW   
 10' x 25' STORAGE UNITS



END VIEW - NORTH & SOUTH   
 10' x 25' STORAGE UNITS

CITY OF PHOENIX   
 JUN 09 2022   
 Planning & Development   
 Department

ELEVATIONS   
 SCALE: 1/8" = 1'-0"

Rose/Arley Bindschadler  
3510 W Paradise Ln.  
Phoenix, AZ 85053

Mr. David Richert,

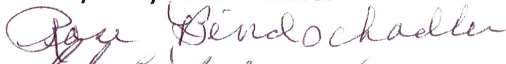

This letter is in reference to the rezoning of property located at 35th Avenue and Paradise Ln. Phoenix for the purpose of constructing a self-storage facility.

We are very concerned and totally opposed to this rezoning and construction of this facility. We moved here decades ago and have enjoyed our neighborhood. We do not want to be concerned with property values going down, traffic increase, which has already happened, security, noise, lighting, vehicle accidents, shelter seekers, lose of aesthetics, etc.

You also need to have a conference number that is valid.

Sincerely,

Rose/Arley Bindschadler

Cc Elias Valencia

City of Phoenix Planning and Development Department  
Sunrise I, LLC

SR-5-22  
2.47.22  
9.7.2022