




City of Phoenix

PLANNING & DEVELOPMENT DEPARTMENT

To: Mario Paniagua
Deputy City Manager

Date: February 3, 2016

From: Alan Stephenson 
Planning and Development Director

Subject: ITEM 68 ON THE FEBRUARY 3, 2016 FORMAL AGENDA – REQUEST TO ADD STIPULATIONS FOR EMERALD BAY SENIOR LIVING PUD, Z-50-15-2 (G-6129)

Item 68, PUD Rezoning Application Z-50-15-2 and Ordinance G-6129, is a request to rezone 2.79 acres located at the northeast corner of 41st Street and Greenway Road from R1-14 (One Family Residence District) to PUD (Planned Unit Development) to allow a mix of uses including an assisted living facility.

On December 7, 2015, the Paradise Valley Village Planning Committee recommended approval per staff recommendation by a vote of 12-0.

On January 14, the Planning Commission recommended approval per the village recommendation by a vote of 7-0.

The applicant has had several neighborhood meetings. Some neighbors are concerned about several issues. Staff, along with the applicant, has held two recent meetings with several of the neighbors to discuss the concerns and potential resolutions to those concerns. The applicant and staff propose to address the neighborhood concerns as follows:

Concerns	Responses	Related Stipulation or Section of the PUD Narrative
Size of structure, square feet	A stipulation is proposed to require general conformance to the site plan.	Stipulation No. 1.k.
Expansion of proposed facility onto adjacent lots	A stipulation is proposed to require general conformance to the site plan. Also, any expansion to the PUD onto other lots will require a major amendment to the PUD and public hearings.	Stipulation No. 1.k.
Insufficient parking and loading	Four (4) additional parking spaces have been added and a loading space near the southwest side of the building. A stipulation is proposed to revise the site plan and parking standards in the PUD Narrative to reflect this	Stipulation No. 1.e and m.

<p>Possibility of overflow parking on 41st Street</p>	<p>change.</p> <p>Four (4) additional parking spaces can be added.</p> <p>A stipulation is proposed to revise the site plan and parking standards in the PUD Narrative.</p> <p>No vehicular access via a driveway is proposed off 41st Street or the alley to the north, per the proposed site plan.</p> <p>A stipulation is proposed to revise the site plan, and the Parking and Circulation Systems Sections of the PUD Narrative to not allow vehicular access off 41st Street or the alley to the north.</p> <p>Also stipulations are proposed to require a Local Traffic Only sign along 41st Street and to work with the Street Transportation Department to pursue the petition process for a No Parking sign.</p>	<p>Stipulation No. 1.e, m, n and q. 6. 7.</p>
<p>Cut-through traffic through neighborhood</p>	<p>No vehicular access via a driveway is proposed off 41st Street or the alley to the north, per the proposed site plan.</p> <p>A stipulation is proposed to revise the site plan, and the Parking and Circulation Systems Sections of the PUD Narrative to not allow vehicular access off 41st Street or the alley to the north.</p> <p>Also a stipulation is proposed to require a Local Traffic Only sign along 41st Street.</p> <p>There is an existing stipulation recommended by the village, to allow both right and left turns from the driveway on the east side of the property.</p>	<p>Stipulation No. 1.e, n, and q. 6.</p> <p>1.i.</p>
<p>No vehicular access on 41st Street</p>	<p>No vehicular access via a driveway is proposed off 41st Street or the alley to the north, per the proposed site plan.</p> <p>A stipulation is proposed to revise the site</p>	<p>Stipulation No. 1.e, n, and q. 5. 6.</p>

	<p>plan, and the Parking and Circulation Systems Sections of the PUD Narrative to not allow vehicular access off 41st Street or the alley to the north.</p> <p>A stipulation is proposed to require a Local Traffic Only sign along 41st Street.</p> <p>Also a stipulation is proposed to require dedication of a non-vehicular access easement along the north and west property lines.</p>	
Landscaping, caliper size and replacing of dead trees	A stipulation is proposed to revise the Landscape Section of the PUD Narrative to require three (3)-inch caliper evergreen (non-deciduous) trees, 20 feet on center, within the north and west landscape setbacks; and that the owner shall be responsible for replacing any dead trees.	Stipulation No. 1.i.
Existing landscaping on site should be preserved	A stipulation has been proposed to require that trees remain in place or be salvaged on site.	8.
Height of building	The building height has been reduced from previous versions of the PUD Narrative. The height was reduced to 25 feet from 30 feet (measured at the midpoint of the pitched roof). A stipulation is proposed to revise the maximum building height in the Development Standards Section, and the site plan and elevations in the PUD Narrative.	Stipulation No. 1.e, f, h, and r.
Privacy	A stipulation is proposed to revise the elevations and Development Standards Section of the PUD Narrative to require only clerestory or opaque windows on the second floor of the building, facing north and west, to prevent views into the neighborhood.	Stipulation No. 1.o and r.
Lighting, height and shielding	The PUD Narrative includes lighting standards that refer back to the standard city lighting requirements. This includes a height limit of 15 feet for parking lot and security lighting.	Section G.6. of the PUD Narrative (page 24)
Questionable staff levels	The applicant has indicated the proposed staff that will be required to run the facility.	
Drainage issues in the area	Historically, there has been drainage issues in the area, and possibly offsite flows that are taken onto the subject site. The site will be	

	required to meet all city grading, drainage and retention requirements.	
Changes to the PUD in the future	<p>Any significant changes to a PUD must go through a major amendment process which involves public hearings. Significant changes include:</p> <ul style="list-style-type: none"> a. A change in the PUD boundary. b. Any change in the height, density, setback, or lot coverage development standards. c. Any change in the location of a land use depicted on the land use plan in the development narrative. d. Any addition to the list of uses in the development narrative. e. Any change to the design guidelines that is inconsistent with the intent of the PUD as described in the development narrative. 	These provisions are in Section 671 of the Zoning Ordinance.
Stipulations to ensure that the project is built-as agreed to	<p>Zoning stipulations have been proposed to revise portions of the PUD Narrative, as specified in this memo.</p> <p>The applicant has also agreed to propose the following stipulations:</p> <ul style="list-style-type: none"> • No building identification signage shall be allowed on 41st Street. • Trash pick-up shall be located in the southwest portion of project, away from the residential neighborhood, as depicted on the Site Plan. • Deliveries shall be located at the southwest corner of the building, as depicted on the Site Plan. 	Stipulation No 1.p and k.
Appearance of the wall along Greenway Road	A stipulation has been proposed to revise the wall requirements and exhibit in the PUD Narrative.	Stipulation No 1.o.(1) 1.r.(3)

The proposed stipulations have been integrated into the stipulations provided below. An additional exhibit has been submitted by the applicant to address concerns about

windows on the second story of the proposed building (see the attached Second Floor Windows Exhibit).

Staff recommends approval of Z-50-15-2 per the revised stipulations below and adoption of the related Ordinance G-6129.

Stipulations:

1. An updated Development Narrative for the Emerald Bay Senior Living 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 9, 2015, as modified by the following stipulations:
 - a. Page 6, A. Purpose and Intent, Section A.1, First paragraph: Revise the gross acreage to 2.79 acres.
 - b. Page 7, A. Purpose and Intent, Section A.2, First paragraph: Revise the gross acreage to 2.79 acres.
 - c. Page 8, A. Purpose and Intent, Section A.3c, Site Data Table: Revise the gross acreage to 2.79 acres.
 - d. Page 10, C. Site Conditions and Location, Section C.1, First paragraph: Revise the gross acreage to 2.79 acres.
 - e. Page 11, Conceptual Site Plan: Revise the gross acreage to ~~2.79 acres~~.
SITE PLAN AS FOLLOWS:
 - (1) GROSS ACREAGE TO 2.79 ACRES,
 - (2) ADD A LABEL TO THE WEST SIDE OF THE SITE, ALONG 41ST STREET THAT STATES THAT NO VEHICULAR ACCESS VIA A DRIVEWAY OR AN EMERGENCY CRASH GATE SHALL BE ALLOWED ALONG 41ST STREET OR THE ALLEY,
 - (3) ADD A REQUIRED ONE FOOT NON-VEHICULAR ACCESS EASEMENT ALONG THE NORTH AND WEST PROPERTY LINES,
 - (4) ADD FOUR (4) ADDITIONAL PARKING SPACES, TO TOTAL 42 PARKING SPACES,
 - (5) ADD A LOADING SPACE NEAR THE SOUTHWEST CORNER OF THE BUILDING, AND

- (6) UPDATE THE HEIGHT AND PARKING STANDARDS IN THE LOT DEVELOPMENT STANDARDS TABLE TO REDUCE THE BUILDING HEIGHT TO 25 FEET AND ADD THE ADDITIONAL FOUR (4) PARKING SPACES.
- f. Page 20, G. Development Standards, Section G.1, Development Standards Table: Revise the density to 21.51 AND THE MAXIMUM HEIGHT TO 2 STORIES AND 25 FEET.
- g. Page 29, J. Sustainability Guidelines: Move items I and K, related to recycling and bicycle parking, from the list of Practices/Techniques That May Be Incorporated to the list of Measurable and Enforceable Items That Will Be Incorporated.
- kH. Page 41, Appendix 5, Comparative Zoning Standards Table, PUD column: Revise the maximum density to 21.51 AND THE MAXIMUM HEIGHT TO 2 STORIES AND 25 FEET.
- I. MODIFY THE LANDSCAPE MEDIAN IN GREENWAY ROAD TO ALLOW FULL ACCESS ON THE EAST DRIVEWAY. THIS WILL REQUIRE THE FOLLOWING REVISIONS:
- (1) PAGE 9, FIFTH PARAGRAPH: DELETE THE FOLLOWING SENTENCE:
- THE DESIGN IS SUCH THAT THE PRIMARY ENTRANCE AND EXIT ARE ORIENTED FOR ONLY RIGHT TURNS AND THUS WILL REQUIRE NO ADDITIONAL STREET ADJUSTMENTS.
- (2) PAGE 11: MODIFY THE SITE PLAN TO SHOW THE MODIFIED LANDSCAPE MEDIAN IN GREENWAY ROAD AND FULL RIGHT AND LEFT TURN ACCESS ON THE EAST DRIVEWAY.
- (3) PAGE 30, SECTION K.1 CIRCULATION SYSTEMS: REVISE THE FIRST SENTENCE AS FOLLOWS:
- ~~“DIRECT VEHICULAR INGRESS AND EGRESS TO THE EMERALD BAY SENIOR LIVING SUBJECT PROPERTY WILL OCCUR FROM EAST GREENWAY ROAD, WITH RIGHT TURN IN AND RIGHT TURN OUT ONLY PATTERNS ON THE WEST DRIVEWAY AND FULL RIGHT AND LEFT TURNS ALLOWED ON THE EAST DRIVEWAY.”~~
- “VEHICULAR ACCESS SHALL BE LIMITED TO GREENWAY

ROAD ONLY. THE WEST DRIVEWAY ON GREENWAY ROAD SHALL BE LIMITED TO RIGHT TURNS IN AND RIGHT TURNS OUT ONLY AND THE EAST DRIVEWAY SHALL BE PERMITTED TO HAVE BOTH LEFT AND RIGHT TURNS IN AND OUT OF THE SITE."

- J. PAGE 19, SECTION F.1 PERMITTED USES: AFTER THE PARAGRAPH RELATED TO ACCESSORY USES, ADD A SECTION FOR CONDITIONS TO INCLUDE THE FOLLOWING:

"CONDITIONS:
THE HOURS FOR DELIVERIES AND TRASH COLLECTION SHALL BE LIMITED FROM 8:00 A.M. TO 6:00 P.M."

- K. PAGE 20, G. DEVELOPMENT STANDARDS: AFTER THE FIRST PARAGRAPH ADD THE FOLLOWING STATEMENT IN A SEPARATE PARAGRAPH:

"THE SITE SHALL BE IN GENERAL CONFORMANCE TO THE CONCEPTUAL SITE PLAN PROVIDED WITHIN THE PUD NARRATIVE WITH SPECIFIC REGARD TO THE LOCATIONS OF THE REFUSE ENCLOSURE AND LOADING AREA."

- L. PAGE 22, G.2 LANDSCAPE STANDARDS, TABLE: REVISE AS FOLLOWS:

- (1) REVISE THE PLANT SIZES ROW IN THE TABLE TO ONLY APPLY TO THE SOUTH AND EAST LANDSCAPE SETBACKS,
- (2) ADD A NEW ROW IN THE TABLE FOR PLANT SIZES AND MATERIAL ON THE NORTH AND WEST LANDSCAPE SETBACKS. THE NEW ROW IN THE TABLE SHALL INCLUDE "MINIMUM THREE (3)-INCH CALIPER EVERGREEN (NON-DECIDUOUS) TREES, 20 FEET ON CENTER. THE LANDSCAPING SHALL GROW TOGETHER TO FORM A LARGE, CONTINUOUS HEDGE.", AND

- (3) ADD THE FOLLOWING NOTE UNDER THE EXISTING TABLE:

"THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTAINING ALL TREES IN A HEALTHY, LIVING CONDITION AND REPLACING ANY TREES THAT ARE NOT MAINTAINED IN A HEALTHY, LIVING CONDITION."

- M. PAGE 24, G.3 PARKING STANDARDS: REVISE THE REQUIRED

PARKING TO BE A MINIMUM OF 42 PARKING SPACES, INCLUDING 4 ADA SPACES.

- N. PAGE 24, G.3 PARKING STANDARDS: ADD THE FOLLOWING SENTENCE IN A SEPARATE PARAGRAPH AT THE END OF THE SECTION:

"NO VEHICULAR ACCESS VIA A DRIVEWAY OR AN EMERGENCY CRASH GATE SHALL BE ALLOWED ALONG 41ST STREET OR THE ALLEY. A ONE FOOT NON-VEHICULAR ACCESS EASEMENT SHALL BE DEDICATED ALONG THE NORTH AND WEST PROPERTY LINES."

- O. PAGE 25, G. DEVELOPMENT STANDARDS: REVISE AS FOLLOWS:

(1) UPDATE THE WALLS AND FENCES STANDARDS TO REPLACE THE SIX-FOOT HIGH WALL ALONG GREENWAY ROAD WITH A MAXIMUM FOUR-FOOT HIGH WALL.

(2) ADD "SECTION G.8 BUILDING STANDARDS" AFTER THE WALLS/FENCES STANDARDS AND ADD THE FOLLOWING REQUIREMENT IN THE NEW SECTION:

"NORTH AND WEST ELEVATIONS:
ONLY CLERESTORY OR OPAQUE WINDOWS SHALL BE PERMITTED ON THE SECOND FLOOR OF THE BUILDING, FACING NORTH AND WEST, TO PREVENT VIEWS INTO THE NEIGHBORHOOD AS SHOWN IN BLUE ON APPENDIX 6, SECOND FLOOR WINDOW EXHIBIT DATE STAMPED FEBRUARY 3, 2016."

- P. PAGE 27, I. SIGNS: ADD THE FOLLOWING SENTENCE IN A SEPARATE PARAGRAPH AT THE END OF THE SECTION:

"NO BUILDING IDENTIFICATION SIGNAGE SHALL BE ALLOWED ON 41ST STREET"

- Q. PAGE 30, K.1 CIRCULATION SYSTEMS: ADD THE FOLLOWING SENTENCE IN A SEPARATE PARAGRAPH AT THE END OF THE SECTION:

"NO VEHICULAR ACCESS VIA A DRIVEWAY OR AN EMERGENCY CRASH GATE SHALL BE ALLOWED ALONG 41ST STREET OR THE ALLEY. A ONE FOOT NON-VEHICULAR ACCESS EASEMENT SHALL BE DEDICATED ALONG THE NORTH AND WEST PROPERTY LINES."

R. PAGE 39-40, APPENDIX 4, CONCEPTUAL ELEVATION EXHIBIT:
REVISE THE EXHIBIT AS FOLLOWS:

- (1) ADD THE MAXIMUM 25-FOOT BUILDING HEIGHT, AS MEASURED PER THE ZONING ORDINANCE STANDARDS.
- (2) REVISE THE WEST SIDE ELEVATIONS TO INCLUDE EITHER CLERESTORY OR OPAQUE WINDOWS ON THE SECOND FLOOR OF THE BUILDING, TO BE CONSISTENT WITH THE BLUE AREA ON THE SECOND FLOOR WINDOW EXHIBIT DATE STAMPED FEBRUARY 3, 2016.
- (3) REVISE THE STREETScape IMAGES TO REPLACE THE SIX-FOOT HIGH WALL ALONG GREENWAY ROAD WITH A THREE TO FOUR-FOOT HIGH WALL.

S. PAGES 3, 4 AND 42: ADD THE SECOND FLOOR WINDOW EXHIBIT DATE STAMPED FEBRUARY 1, 2016 AS APPENDIX 6.

2. 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. THE IMPROVEMENTS ON 41ST STREET SHALL BE REDUCED TO THE MINIMUM WIDTH POSSIBLE TO COMPLY WITH TRAFFIC SAFETY STANDARDS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. All improvements shall comply with all ADA accessibility standards.
3. ~~The applicant shall extend improvements along 41st Street through the alley with paving, curb, gutter, and sidewalk, as approved by the Planning and Development Department.~~
43. The property owner shall record documents that disclose the existence and operational characteristics of the City of Scottsdale Municipal 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.
54. THE DEVELOPER SHALL DEDICATE A ONE FOOT NON-VEHICULAR ACCESS EASEMENT ALONG THE NORTH AND WEST PROPERTY LINES.
65. THE DEVELOPER SHALL PAY FOR AND INSTALL A LOCAL TRAFFIC ONLY SIGN ON 41ST STREET OR SOME OTHER TRAFFIC SIGN TO INDICATE LOCAL TRAFFIC ONLY, AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.

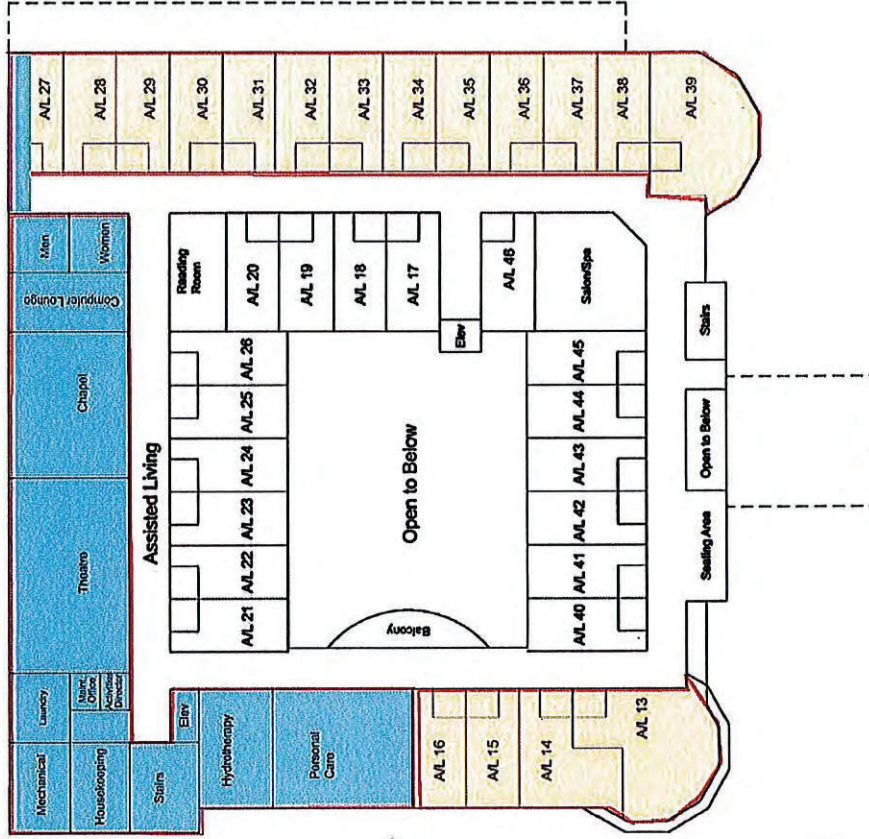
76. THE DEVELOPER SHALL WORK WITH THE PROPERTY OWNERS ON 41ST STREET BETWEEN GREENWAY ROAD AND WALTANN LANE, AND PURSUE THE STREET TRANSPORTATION DEPARTMENT PETITION PROCESS TO ESTABLISH NO PARKING OR RESIDENT ONLY PARKING PROGRAM THAT MEETS ALL THE CITY REQUIREMENTS. SIGNAGE SHALL BE PAID FOR BY THE DEVELOPER PER THE CITY STANDARDS.
87. A SEPARATE LANDSCAPE INVENTORY AND SALVAGE PLAN SHALL BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO PRELIMINARY SITE PLAN APPROVAL FOR THE SITE. THE SALVAGE PLAN SHALL DEMONSTRATE THE FOLLOWING:
- ALL EXISTING TREES WHICH ARE NOT WITHIN THE BUILDING FOOTPRINT OR DRIVEWAYS SHALL REMAIN IN PLACE, AND
 - ALL SALVAGEABLE TREES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT, SHALL BE SALVAGED AND REUSED ON SITE.

Attachment: Second Floor Window Exhibit date stamped February 3, 2016

Approved: _____
Mario Paniagua, Deputy City Manager Date

Second Floor Window Exhibit

*Only Clerestory or Opaque Windows



CITY OF PHOENIX

FEB 03 2016

**Planning & Development
Department**

Revised 2nd Floor Plan

Date: 01 Feb. 2016	For the Owner: Emerald Bay Senior Living LLC 2117 North 34th Avenue, Suite A Phoenix, AZ 85027	Emerald Bay Senior Living 4102/4114 E. Greenway Road Phoenix, Arizona 85032	Project Number:	Floor Plans:
-----------------------	---	---	-----------------	--------------