



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report Z-19-18-8 (40 East PUD) April 26, 2019

Camelback East [Village Planning Committee](#) Meeting Date May 7, 2019
 Planning Commission Hearing Date June 6, 2019

Request From: [R1-6](#) (0.08 acres), [C-2](#) (1.76 acres), and [C-2 SP](#) (0.09 acres)
 Request To: [PUD](#) (1.93 acres)
 Proposed Use Planned Unit Development to allow mixed uses (commercial and multifamily residential)
 Location Northwest corner of 41st Place and McDowell Road
 Owner Michael Allayev, Real Estate & More, LLC
 Applicant/Representative Rodney Q. Jarvis, Earl, Curley & Lagarde, PC
 Staff Recommendation Approval, subject to stipulations

| General Plan Conformity | | | |
|--|---------------|------------|---------------------------|
| General Plan Land Use Map Designation | | Commercial | |
| Street Map Classification | 41st Place | Local | 30-foot west half street |
| | McDowell Road | Arterial | 40-foot north half street |
| <p>CONNECT PEOPLE & 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.</p> <p>The proposal is to adaptively reuse the existing underutilized office building. The development will allow multifamily residential uses which will add to the mix of housing types along McDowell Road. Additionally, the site is located in close proximity of the Loop 202 Freeway, the Major Employment Center Gateway, and is also located within a mile of Thomas Road which is planned for bus rapid transit.</p> | | | |

STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; LOCAL AND SMALL BUSINESS; LAND USE PRINCIPLE: Support live/work developments where appropriate throughout the city.

The PUD proposes live-work units as a primary use of the PUD. These small businesses will provide services to the residences who live on-site. Additionally, the live-work units will be appropriately located along the McDowell Road street frontage which will provide visibility for these small businesses.

CELEBRATE OUR DIVERSE COMMUNITIES & NEIGHBORHOODS; CERTAINTY & CHARACTER; DESIGN PRINCIPLES: Provide high quality urban design and amenities that reflect the best of urban living at an appropriate village scale.

The PUD contains numerous design guidelines that provide enhanced architectural style including four-sided architecture, multiple building materials, colors, and other provisions, that ensure a high-quality development at an appropriate scale for the area.

Area Plans, Overlay Districts, and Initiatives

[44th Street Corridor Specific Plan](#)

Completed in 1991, the 44th Street Corridor Specific Plan established a framework to provide compatibility of new development along 44th Street from McDonald Drive to Sky Harbor International Airport. See Background Item No. 14.

[Tree and Shade Master Plan](#)

The Tree and Shade Master Plan is a roadmap for creating a healthier, more livable and prosperous 21st Century desert city. The goal is to treat the urban forest as infrastructure to ensure that trees are an integral part of the city's planning and development process. See Background Item No. 15.

[Complete Streets Guiding Principles](#)

The City's complete streets policy further advances its goal to create a more sustainable transportation system that is safe and accessible for everyone. Complete streets provide infrastructure that encourages active transportation such as walking, bicycling, transportation choices and increased connectivity. Through this policy, the primary focus of street design will no longer be solely on the speed and efficiency of automobile travel, but on the safety and comfort of all users. See Background Item No. 16.

[Reimagine Phoenix](#) Reimagine Phoenix is the city's initiative to increase the city's waste diversion rate to 40 percent by 2020 and to better manage its solid waste resources. See Background Item No. 17.

Background/Issues/Analysis

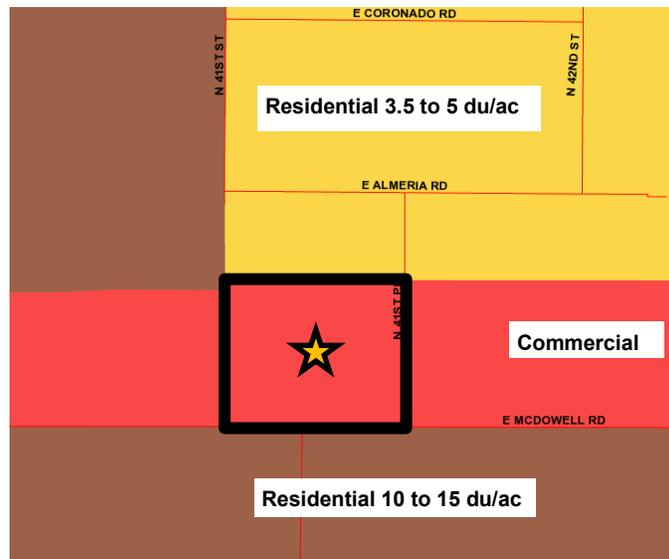
SUBJECT SITE

1. This request is to rezone a 1.93-acre site located at the northwest corner of 41st Place and McDowell Road from R1-6 (Single-Family Residence District), C-2 (Intermediate Commercial District), and C-2 SP (Intermediate Commercial District, Special Permit District) to PUD (Planned Unit Development) to allow mixed uses (commercial and multifamily residential) in an existing building.



Source: City of Phoenix Planning and Development Department

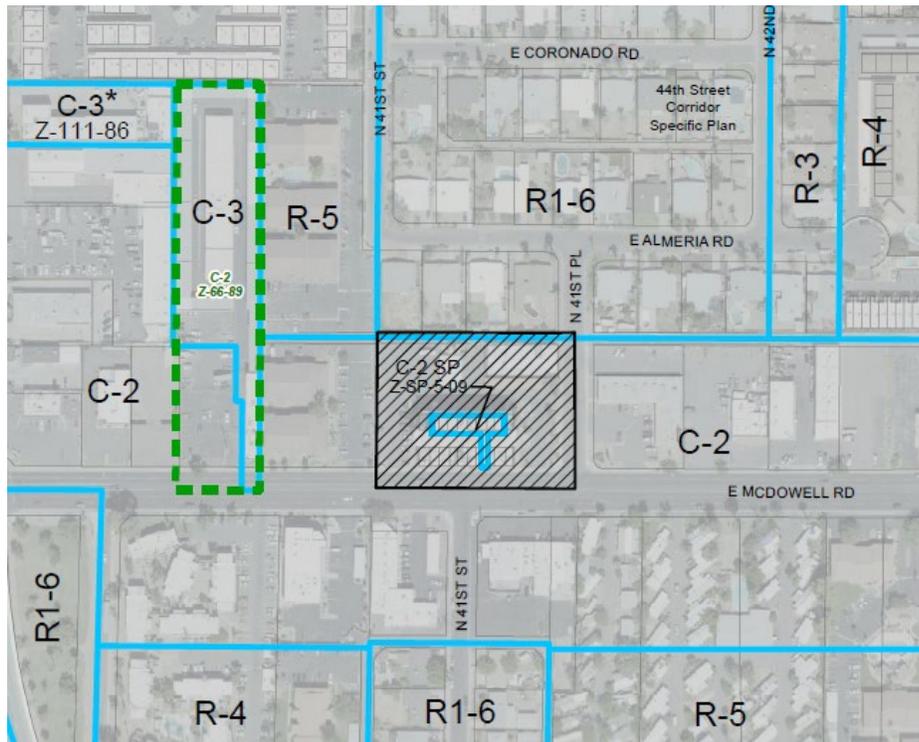
2. The General Plan Land Use Map designation for the site is Commercial. The proposed uses are consistent with this designation.



Source: City of Phoenix Planning and Development Department

EXISTING CONDITIONS & SURROUNDING ZONING

- The subject site consists of multiple parcels that equal 1.93 gross acres. The site is currently occupied by the Sky Harbor Office Plaza Condominiums and is zoned R1-6 (Single-Family Residence District), C-2 (Intermediate Commercial District), and C-2 SP (Intermediate Commercial District, Special Permit District).



Source: City of Phoenix Planning and Development Department

NORTH

North of the subject site is the Town and Country Manor single-family subdivision zoned R1-6 (Single-Family Residence District).

SOUTH

South of the subject site, across McDowell Road, are commercial businesses such as retail and restaurant uses zoned C-2 (Intermediate Commercial District).

EAST

East of the subject site, across 41st Place are commercial services such as a barbershop, tax office, and print shop, zoned C-2 (Intermediate Commercial District).

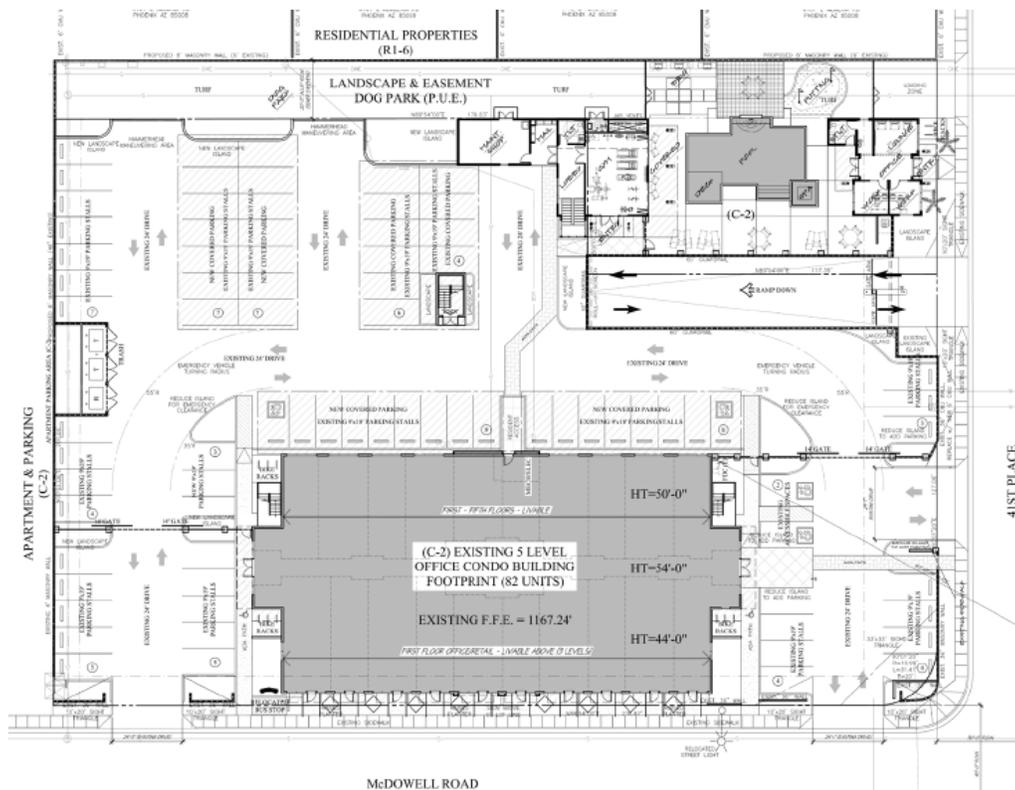
WEST

West of the subject site is the Urban Edge apartment complex zoned C-2 (Intermediate Commercial District).

PROPOSAL

4. The proposal was developed utilizing the Planned Unit Development (PUD) zoning designation. The PUD is intended to create a built environment that is superior to that produced by conventional zoning districts and design guidelines. Using a collaborative and comprehensive approach, an applicant authors and proposes standards and guidelines that are tailored to the context of a site on a case by case basis. Where the PUD Development Narrative is silent on a requirement, the applicable Zoning Ordinance provisions will be applied.
5. Below is a summary of the proposed standards for the subject site as described in the attached PUD Development Narrative date stamped April 22, 2019. The PUD would allow a mixed-use development that would include multifamily residential, live-work office units, and other commercial uses. The PUD proposes that the existing office building be redeveloped from offices into apartment homes. The PUD proposes retail and live-work units along the McDowell Road frontage. The proposal is compatible with the character of the surrounding area and proposes development standards and design guidelines that mitigate potential impacts on existing residences to the north.

The comparative zoning districts utilized in this staff report and in the Development Narrative's Comparative Zoning Standards Table is C-2 (Intermediate Commercial District). The C-2 zoning district was used because it generally communicates what the current zoning entitlements permit.



Conceptual Site Plan
Source: RKB

PERMITTED LAND USES

6. The PUD proposes a mix of uses such as retail, restaurant, office, multifamily residential units, and live-work spaces. The first floor permits commercial uses and live-work units, while the remaining floors propose multifamily residential and/or assisted living facilities. Additionally, there is a list of prohibited uses in the PUD that will provide additional compatibility with adjacent residential.

The PUD limits the accessory land uses to a leasing/project manager's office, community clubhouse building, and all permitted accessory uses as outlined in Section 608 (Residence Districts) of the Phoenix Zoning Ordinance.

Temporary uses are permitted in conformance with existing Zoning Ordinance regulations as specified in Section 708 (Temporary Uses) of the Phoenix Zoning Ordinance.

DEVELOPMENT STANDARDS

7. **Building Height**

The PUD proposes a maximum building height of 56 feet. The existing building is approximately 52 feet in height. The C-2 zoning district allows up to 4 stories and 48 feet, and up to 56 feet with City Council's approval of a height waiver. The height standards for accessory buildings on the remainder of the site are a maximum of 30 feet, which is consistent with the standard C-2 zoning district regulations.

- Building Setbacks**

The proposed north building setback, which is adjacent to single-family residences, ranges from a minimum of 20 feet to 100 feet depending on the building height. The setback increases as the building height increases. These standards are less restrictive than the C-2 zoning district standards which would require a range of minimum 25 feet to 150 feet when adjacent to single-family residential. However, the proposed PUD standards are more restrictive than the building setback standards in all of the Phoenix Zoning Ordinance multifamily zoning districts.

The proposed south building setback, adjacent to McDowell Road, is a minimum of 4 feet to the primary building. This standard is less restrictive than the C-2 zoning district which would require a minimum setback of 20 feet and an average setback of 30 feet, when a structure exceeds 30 feet in height and is adjacent to a street. While this standard is less restrictive, the existing building for this adaptive reuse project is currently located 4 feet from the property line.

The proposed building setback adjacent to 41st Place is a minimum of 25 feet to the primary building. This standard is less restrictive than the C-2 zoning district which would require a minimum setback of 20 feet and an average setback of 30 feet, when a structure exceeds 30 feet in height and is adjacent to a street.

There is a 25-foot building setback along the west property line, adjacent to the multifamily residences. This standard exceeds the C-2 zoning district standards which do not require a building setback when adjacent to other commercial zoning districts.

Additionally, the development narrative includes standards to address any accessory structures on site. The maximum building height for accessory structures is 30 feet. The minimum building setback along McDowell Road and the north property line, is 20 feet. The minimum building setbacks along 41st Place and the west property line, is 5 feet. The C-2 zoning district does not address setbacks for accessory structures as accessory buildings follow standard building setback requirements.

Density

The PUD proposes 45 dwelling units per acre. This standard is greater than the 17.4 dwelling units per acre allowed in the C-2 zoning district. However, with a density waiver approved by City Council, the C-2 zoning district allows up to 52.20 dwelling units per acre, which is consistent with the proposal.

Lot Coverage

The PUD proposes 50% lot coverage which is consistent with the C-2 zoning district standards.

Open Space

The PUD does not propose an open space percentage for the gross site area. A minimum 5% open space would be required per the multifamily standards in Section 703 of the Phoenix Zoning Ordinance.

Landscape Standards

The PUD proposes a 0 to 5-foot landscape setback along the east property line, adjacent to 41st Place. The C-2 zoning district requires a minimum of 20 feet and an average of 30 feet adjacent to street frontages.

The PUD proposes a 0-foot landscape setback along the west property line. The C-2 zoning district would not require landscaping for the west property line as the site is adjacent to C-2 zoning.

Along the south property line, adjacent to McDowell Road, the proposed landscape setback is a minimum of 4 feet. This standard is less restrictive than the C-2 standard which requires a minimum landscape setback of 20 feet and an average landscape setback of 30 feet. While this standard is less restrictive, the existing building for this adaptive reuse project is currently located 4 feet from the property line.

Along the north property line the proposed landscape setback is a minimum of 20 feet along the western portion of the site, adjacent to parking and the accessory

building, and 0 feet adjacent to the pool area. This standard exceeds and is less restrictive the C-2 standard which requires a 10-foot landscape setback when not adjacent to a street. While 20 feet is being proposed for a portion of the north property line, staff is recommending a minimum 5-foot landscape setback for the remainder of the property line. This is addressed in Stipulation No. 1.b. A minimum 5-foot landscape setback will provided a buffer and mitigate impacts between the proposed PUD development and the single-family residences to the north.

DESIGN GUIDELINES

8. **Architecture**

The PUD contains a variety of design guidelines addressing building facades and finishes, which are intended to enhance the visual interest of the structures and provide a high-quality design that is compatible with the surrounding uses. Guidelines include a requirement for four-sided architecture and diversity in the use of building materials. Overall, the facades of the primary building, clubhouse, and leasing office building shall include, but are not limited to, the following accent materials: brick veneer, stucco, glass and steel or aluminum.

The PUD also requires enhanced pedestrian pathways/walkways which will utilize materials such as colored concrete, stamped concrete, pavers, and/or other materials. These materials will help to create distinguished pedestrian walkways through the parking lot and to/from the building entrances.



FRONT ELEVATION



IT

EAST SIDE CONTEXT

PARKING

9. The PUD proposed parking standards to address residential, commercial, and office uses.
 - Residential parking shall be provided as follows: 1 space per studio unit and 1-bedroom unit, and 2 spaces per 2-bedroom, 3 bedrooms, and penthouse unit;
 - Office parking shall be provided as follows: 1 space per 300 square feet;
 - Commercial parking shall be provided as follows: Requests for commercial uses shall be evaluated based on a parking analysis that shall be submitted to the City to evaluate the parking ratio for approval prior to a tenant improvement plan review or approval. Staff is recommending the commercial parking requirements in the PUD meet Section 702 of the Phoenix Zoning Ordinance. This is addressed in Stipulation No. 1.c.

The PUD proposes a subterranean garage, which does not currently exist. A minimum of 30% of the overall parking spaces shall be enclosed in the subterranean garage. Additionally, bicycle parking is proposed in the PUD. There shall be one bicycle parking space for every 4.5 units provided.

SITE LIGHTING

10. The PUD proposes to comply with the Phoenix Zoning Ordinance with some modification.

The PUD proposes that all on-site lighting be shielded to prevent direct visibility of the light source from the adjacent property. This requirement exceeds the requirements of Section 5 *Conceptual Elevations, Source: RKB* as this standard is only a presumption in the Zoning Ordinance.

The PUD proposes that all on-site lighting shall be a maximum of 15 feet within 20 feet of a residential zoning district. This standard is less restrictive than the Site

Lighting section of the Zoning Ordinance which requires a maximum of 15 feet within 150 feet of a residential zoning district.

The PUD proposes that parking lot and security lighting will not exceed 20 feet in height. This standard is more restrictive than the Site Lighting section of the Zoning Ordinance which requires a maximum of 25 feet when adjacent to nonresidential zoning districts.

WALLS/FENCES

11. The PUD proposes standards that are consistent with the Phoenix Zoning Ordinance Standards.

SIGNAGE

12. The PUD proposes conformance with the requirements of Section 705 of the Phoenix Zoning Ordinance with exceptions. These exceptions include limiting the maximum square footage of certain sign faces and requiring backlit signage.

SUSTAINABILITY

13. The Development Narrative proposes a variety of sustainability features to be enforced by the City including water efficient landscaping, drip irrigation system, and light-colored roof and subterranean parking to reduce heat island effect.

AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES

14. **44th Street Corridor Specific Plan**

The property is located within the boundaries of the 44th Street Corridor Specific Plan. The Specific Plan is a policy plan adopted in 1991 that established a framework so that development projected in the corridor would occur in a manner compatible with the many residential neighborhoods within the corridor. The Specific Plan calls for Office land uses on the subject site. While the primary uses will be residential in nature, the PUD proposes live-work office units on the ground floor of the development. The 44th Street Corridor Specific Plan notes that C-2 is an appropriate zoning district for the Office land use designation and the proposal allows uses permitted in the C-2 zoning district.

15. **Tree and Shade Master Plan**

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. The proposal includes enhanced landscape planting standards and shade trees along the north property line adjacent to the single-family residences. Trees and shade will help to reduce the urban heat island effect and will provide thermal comfort for residents.

16. **Complete Streets Guiding Principles**

In 2014, the 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. The project proposal includes enhanced pedestrian pathways within the site and bicycle parking for residents.

17. **Reimagine Phoenix**

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 PUD encourages a recycling program in order to have a more environmentally responsible atmosphere for residents.

COMMUNITY INPUT SUMMARY

18. At the time this staff report was written, one letter of support was submitted regarding the request.

INTERDEPARTMENTAL COMMENTS

19. The Aviation Department noted that the site is within PHX traffic pattern airspace and requested that the developer record a Notice to Prospective Purchasers of Proximity to Airport to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX). This is addressed in Stipulation No. 6.
20. The Phoenix Fire Department has noted that they do not anticipate any problems with this case and that the site and/or buildings shall comply with the Phoenix Fire Code.
21. The City of Phoenix Floodplain Management division of the Public Works Department has determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in a Shaded Zone X, on panel 2230 L of the Flood Insurance Rate Maps (FIRM) dated December 5, 2014.
22. The Parks and Recreation Department had no comments regarding trails or easements.
23. The Street Transportation Department requires that the developer dedicate a 10-foot sidewalk easement on the north side of McDowell Road. Additionally, a traffic impact statement must be submitted to the City prior to preliminary approval of plans. They also noted that all street improvements shall comply with ADA standards. These are addressed in Stipulation Nos. 2 through 4.
24. The Public Transit Department requires retention of right-of-way and new construction of a bus stop pad on westbound McDowell Road west of 41st Place. This is addressed in Stipulation No. 5.

25. The Water Services Department indicated that the subject site has access to existing water and sewer mains that can potentially serve the development.

MISCELLANEOUS

26. The site has not been identified as being archaeologically sensitive. However, in the event archaeological materials are encountered during construction, all ground disturbing activities must cease within 33-feet 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. 7.
27. 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 is consistent with several General Plan policies and allows for the adaptive reuse of a currently underutilized existing building.
2. The proposal includes design guidelines that exceed conventional Zoning Ordinance standards, are compatible with the character of the surrounding area, and promote the vision of the 44th Street Corridor Specific Plan.
3. The proposed development standards will ensure consistency in scale and character with the surrounding land use pattern.

Stipulations

1. An updated Development Narrative for the 40 East 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 April 22, 2019, as modified by the following stipulations:
 - a. Front Cover: Revise the submittal date information on the bottom to add the following: City Council adopted: [Add adoption date]
 - b. Page 18, G. Development Standards, Landscape Standards: Revise the Landscape Setback Standards Exhibit to depict a minimum landscape setback of 5 feet along the north property line adjacent to the pool amenity area.
 - c. All references to commercial parking requirements shall be revised to be in compliance with Section 702 of the Phoenix Zoning Ordinance.

2. The developer shall submit a Traffic Impact Statement to the City prior to preliminary approval of plans, as approved by the Planning and Development Department.
3. The developer shall dedicate a 10-foot wide sidewalk easement on the north side of McDowell Road for the length of the property except for the approximately 155-foot distance where the existing building is located, as approved by the Planning and Development Department.
4. 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.
5. The developer shall retain right-of-way and construct one new bus pad on westbound McDowell Road west of 41st Place which shall be compliant with City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. The bus stop pad shall be placed from the intersection of McDowell Road and 41st Place according to City of Phoenix Standard Detail P1258, as approved by Public Transit.
6. The developer shall record a Notice to Perspective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.
7. 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

Elyse DiMartino

April 26, 2019

Team Leader

Samantha Keating

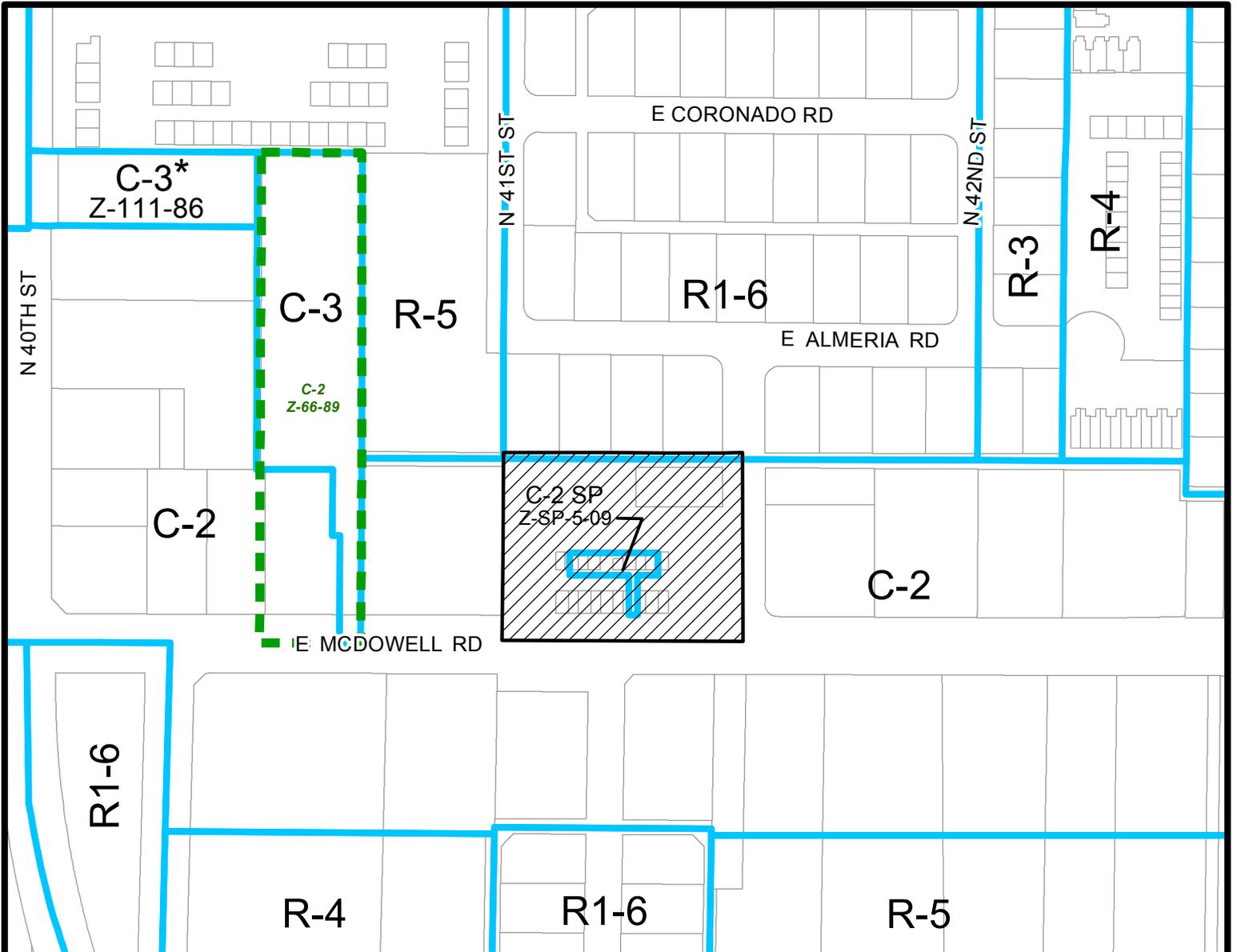
Exhibits

Sketch Map

Aerial

Community Correspondence

[40 East PUD](#) date stamped April 22, 2019



Feet

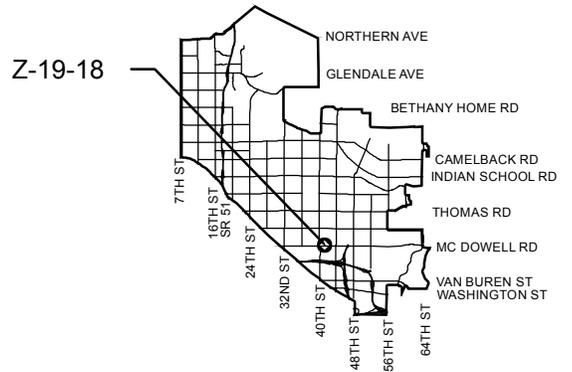


CAMELBACK EAST VILLAGE

CITY COUNCIL DISTRICT: 8



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT



APPLICANT'S NAME: Rodney Q. Jarvis, Earl, Curley & Lagarde

APPLICATION NO. Z-19-18

DATE: 4/24/2018
REVISION DATES:

GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.

1.93 Acres

AERIAL PHOTO & QUARTER SEC. NO.
QS 13-37

ZONING MAP
G-10

REQUESTED CHANGE:

FROM: R1-6 (0.08 a.c.)
C-2 (1.76 a.c.)
C-2 SP (0.09 a.c.)

TO: PUD (1.93 a.c.)

MULTIPLES PERMITTED

R1-6, C-2, C-2 SP

PUD

CONVENTIONAL OPTION

0, 25, 1

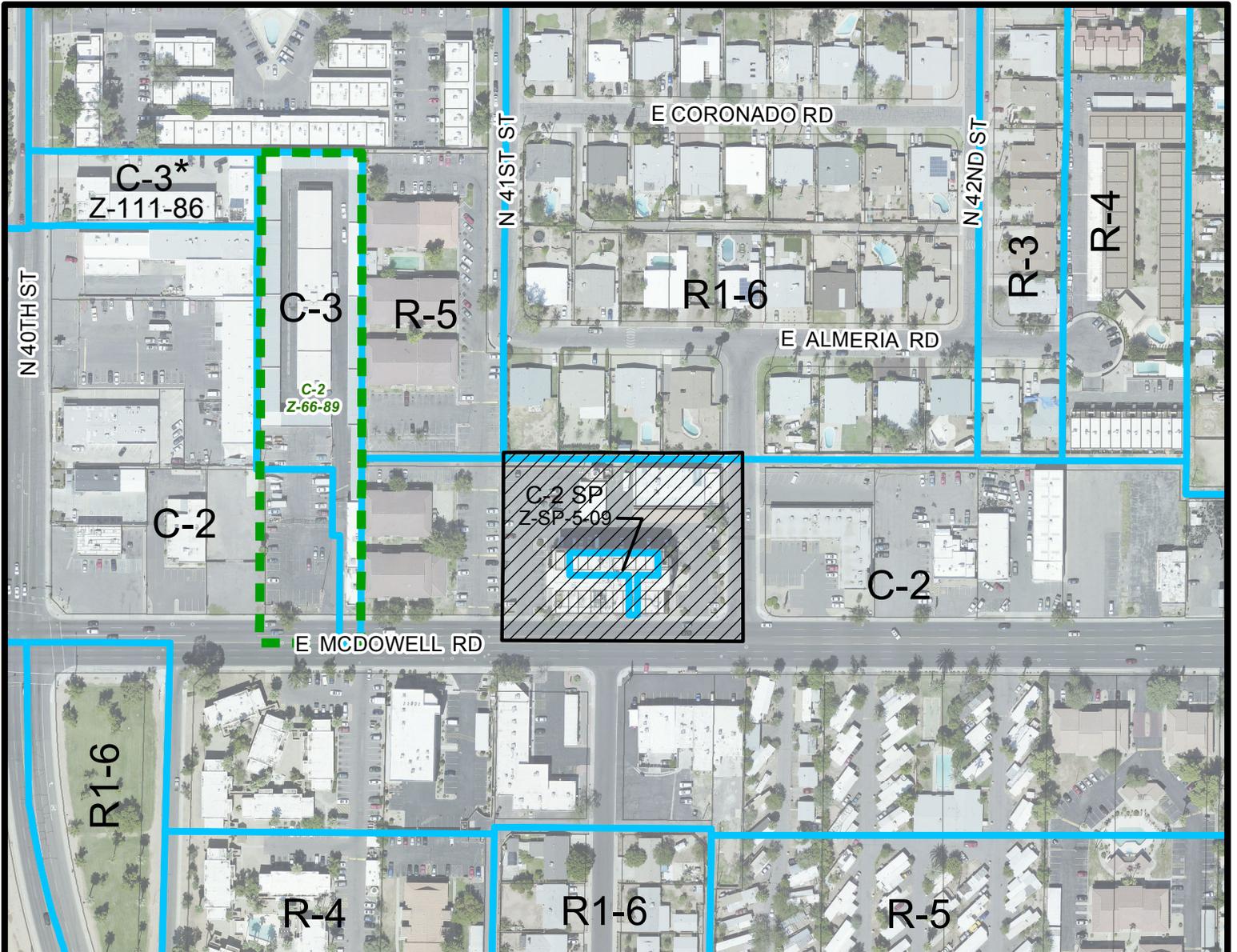
106

*** UNITS P.R.D. OPTION**

0, 30, 1

N/A

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



Feet

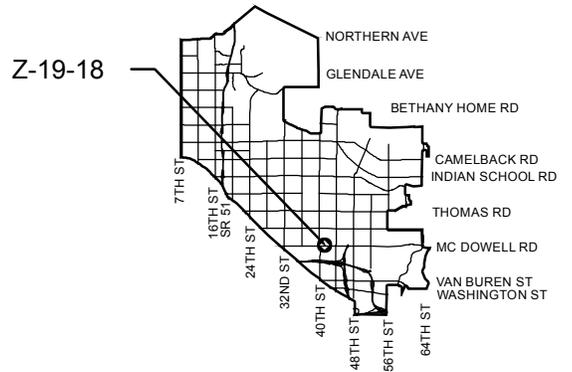


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MULTIPLES PERMITTED

R1-6, C-2, C-2 SP
PUD

CONVENTIONAL OPTION

0, 25, 1
106

*** UNITS P.R.D. OPTION**

0, 30, 1
N/A

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

6/20/18

Vladimir Rabinovich
Almeria Court, LLC
4220 E Almeria Road
Phoenix, AZ 85018

To whom it may concern,

I am pleased to write a letter to express my support for ZA-19-18 located at the northwest corner of McDowell Road and 41st Place as the owner of the nearby apartment complex called Orangetree Apartments. Due to work schedule, I am unable to attend the meetings that are part of the City of Phoenix Planning and Development Department but wanted to convey my support for this project. This property redevelopment will help to continue the gentrification of the neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read 'V. Rabinovich', written in a cursive style.

Vladimir Rabinovich
Owner of Almeria Court, LLC