**CITY OF PHOENIX** 

FEB 16 2024

Planning & Development Department

# 40<sup>th</sup> Street PUD



## **Z-BLANK-24-8**

1<sup>st</sup> Submittal Date: February 1, 2024

A Planned Unit Development ("PUD") is intended to be a stand-alone document of zoning regulations for a particular project. Provisions not specifically regulated by the PUD are governed by the Zoning Ordinance. A PUD may include substantial background information to help illustrate the intent of the development. The purpose and intent statements are not requirements that will be enforced by the City. The PUD only modifies Zoning Ordinance regulations and does not modify other City Codes or requirements.

## **Development Team**

#### **Developer/Applicant**

40 McDowell LLC Attn: Yasser Elshair 7147 East Rancho Vista Drive Unit 6002 Scottsdale, AZ 85251 Phone: 630-649-8855 Email: <u>yelshair@gmail.com</u>

#### Architect/Landscape

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#### **Civil Engineer/Surveyor** Land Development Group

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#### **Zoning Attorney/Representative**

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Quarles

### Z-BLANK-24-8

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### **Exhibits**

- Tab A: Aerial and Zoning Maps
- **Tab B**: Conceptual Site Plan
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- Tab E: Conceptual Color Schemes
- Tab F: Conceptual Shade Study

## A. Purpose and Intent

Quarles & Brady LLP submits this rezoning application on behalf of 40 McDowell LLC in regard to the roughly 2.23 gross acre site located at the Southeast Corner of 40th Street and McDowell Road (the "Property"). The Applicant intends to rezone the property from R1-6 (Single-Family Residence) to PUD (Planned Unit Development) to allow for a multifamily development on the Property. See Zoning & Aerial Maps Attached at **Tab A**. The purpose of the requested rezoning to PUD is to allow for a quality multifamily development standards beneficial to the overall community. The resulting housing product will not only be of the highest quality compared to surrounding planned multifamily developments, while still providing ample living space in each unit.

Regarding the subject Property, 40 McDowell LLC intends to construct a multifamily development consisting of a total of 1 building, 63 units, with a building height 4 stories and 48 feet. The PUD is a far more appropriate zoning district than a standard R-5 District. R-5 would actually allow for a higher density of 43.5 dwelling units per acre (52.2 dwelling units per acre with bonus) without the flexibility in development standards required to build-out an optimal community on such a uniquely shaped and configured parcel. The proposed PUD will limit density at 28.25 du/acre and provide for a better built and planned environment. The permitted uses will be limited to multifamily residential dwelling units and associated temporary and accessory uses. The PUD will also require that the building be setback from the adjacent multifamily development to the east and closer to the data center development to the west. This will allow an appropriate buffer from surrounding uses and allow a seamless compatibility with the neighborhood.

## **B. Land Use Plan**

The Land Use Plan for the development will construct a 2.23-acre multifamily residential community of a total of 63 dwelling units (28.25 du/gross acre) with residential amenities and services. The Conceptual Site Plan shows the development situated near the Property's western bounding (along 40<sup>th</sup> Street) in order to provide a necessary setback from adjacent multifamily developments. See Conceptual Site Plan Attached at **Tab B**. The building is proposed to be 4 stories and 48 feet high. The development will consist of 42 studio and one-bedroom units and 21 two-bedroom units and a total of 76 parking spaces. The Property will feature open space at 12% of the gross area. This is another example of how the PUD will provide an enhanced built environment which could not be provided via traditional R-4 Zoning.

The Property is comprised of one parcel (Parcel No. 125-19-012B). (the "Property") and is currently zoned R1-6 (Single-Family Residence) and is located within the 44<sup>th</sup> Street Corridor Specific Plan. The Property has a General Plan designation of Residential 15+ Dwelling Units Per Acre. See Zoning & Aerial Maps Attached at **Tab A**. The site plan depicts the PUD Site Area and the development standards table provided herein refers to the standards applicable to the PUD Site Area where appropriate. Vehicular circulation for the proposed development will consist of a two access points, one from the southern tip of the Property off of 40<sup>th</sup> Street. The other access point will be from the 40<sup>th</sup> Street bypass located towards the northern portion of the Property.

The Conceptual Site Plan takes into account the unique shape of the lot as well as the surrounding neighborhood by pushing the building away from the adjacent multifamily development to the east and towards the data center to the west. The open space area is strategically placed along the eastern portion of the Property to provide that necessary buffer.

# C. List of Uses

The Zoning Administrator may issue interpretations for land uses that are analogous to those listed in Section C "List of Uses" as authorized by Zoning Ordinance Section 307.A.3.

#### 1. Permitted Uses:

Multifamily Dwelling Units

#### 2. Temporary Uses:

All temporary uses shall comply with Section 708 of the Zoning Ordinance.

#### 3. Accessory Uses:

All accessory uses shall comply with Section 608 and 706 of the Zoning Ordinance.

# **D. Development Standards**

The following development standards shall be provided in the final plans, those standards not addressed shall comply with applicable Zoning Ordinance Sections, or modified and approved by the Planning and Development Department:

D.1	D.1. Development Standards			
a.	<b>Maximum Residential Unit Count</b> Density Number of Dwelling Units	28.25 du/acre 63		
b.	Minimum Lot Width/Depth	None		
с.	Minimum Building Setbacks North East West South	25' 5' 10' 15'		
d.	Maximum Building Height	4 stories and 48'		
е.	Maximum Lot Coverage	37%		

D.2. Landscape Standards			
а.	Minimum Landscape Setback North East West South	25' 5' 10' 15'	
b.	Minimum Open Space	12%	
с.	Parking Areas	A minimum of 20% of the parking area shall be landscaped	
d.	Perimeter Standards Adjacent to the Street	A minimum of two-inch caliper trees shall be planted between the back of curb and sidewalk and spaced approximately 35' on center, or equivalent groupings.	

# **D. Development Standards**

The following development standards shall be provided in the final plans, those standards not addressed shall comply with applicable Zoning Ordinance Sections, or modified and approved by the Planning and Development Department:

D.3. Streetscape Standards			
a. Adjacent to a Street	<ul> <li>A minimum 5' wide detached sidewalk separated by a minimum 8' wide landscape strip located between the back of curb shall be provided with the following:</li> <li>1. A minimum of two-inch caliper trees shall be planted between the back of curb and sidewalk and spaced approximately 35' on center.</li> </ul>		

D.4. Parking Standards	
a. Minimum Parking Standards	Shall comply with Section 702 of the Zoning Ordinance.

#### D.5. Fences/Walls

Fences and Walls shall comply with Section 703 of the Zoning Ordinance for Multifamily Development.

#### D.6. Shade

Shading, which may be architectural, vegetative, or any combination thereof, shall be provided at a minimum of 50% for all public sidewalks, except where utility conflicts exist. All shade calculations shall be based on the summer solstice at noon.

#### D.7. Lighting

All Site Lighting will comply with the standards of the Phoenix Zoning Ordinance, as well as applicable City standards.

# **E. Design Guidelines**

The following design guidelines shall be provided in the final plans, those standards not addressed shall comply with Zoning Ordinance Section 507 Tab A, or modified and approved by the Planning and Development Department:

E.1. Design Guidelines	
a. Exterior Materials	All sides of the building will exhibit architecture that is thoughtfully considered and articulated. To achieve the building façade it will include the following:
	<ol> <li>Stucco finish exterior is typical.</li> <li>Painted metal and/or mesh at first- level parking for accent and screening areas.</li> </ol>
	<ol> <li>Recessed glazing and overhangs at Leasing/Community locations.</li> </ol>
	<ul> <li>4. The use of white stucco is limited to no more than 50% of the tota building elevations.</li> <li>a. Screen and balcony railing, and fenestration square footages are to be considered part of the elevations for the purposes of this limit</li> </ul>
	<ul> <li>5. Building articulation: the maximum building facade length without articulation/modulation is 40 feet.</li> <li>a. Articulations hall be achieved through the incorporation of any 2 of the following <ol> <li>Change in vertical wal plane (1-foot minimum)</li> <li>Change in horizonta wall plane (1-foot minimum).</li> <li>Projecting or recessed architectural elements including windows and doors.</li> </ol> </li> </ul>
	<ol> <li>5% of the total building elevations shall include vertical cement board siding, or a similar architectura facade panel.</li> </ol>

# **E. Design Guidelines**

The following design guidelines shall be provided in the final plans, those standards not addressed shall comply with Zoning Ordinance Section 507 Tab A, or modified and approved by the Planning and Development Department:

E.1	. Design Guidelines	
b.	Color Palette	Stucco finishes painted white with Dunn Edwards spectrum paint colors. Accent vertical cement board siding (or similar architectural facade panel), to be painted with a complimentary set of colors.
с.	Building Massing	4-story residential building with articulating parapet treatments, parking level below.

E.2. Amenities			
a. Residential Amenities	<ul> <li>Residential amenities shall include a minimum of 3 of the following: <ol> <li>Interior Common Community/Leasing Office Lounge</li> <li>Dog run, 200 sq. ft. minimum</li> <li>Barbeque Grill / Picnic Area</li> <li>Ramada with covered seating &amp; tables</li> <li>Uncovered leisure seating &amp; tables</li> </ol> </li> </ul>		

# F. Signs

All signs shall comply with the City of Phoenix sign codes including Section 705. All signs will require a sign permit from City of Phoenix prior to installation.

# G. Sustainability

#### 1. City Enforced Standards

The following standards are standards that are measurable and enforceable by the City and will be provided:

- As encouraged by Reimagine Phoenix, commercial recycling receptacles will be provided onsite.
- Dual Glaze Windows with High Performance Low-e Glazing.
- All primary site lighting will be LED lighting.
- Provide water efficient landscaping (drought tolerant plants).
- Utilize a drip irrigation system with a 'smart' controller to minimize water waste.
- Bicycle parking
- Landscaping shall consist of xeriscaping, or trees and shrubs that are drought-tolerant, desert adapted, and low maintenance.
- Programmable thermostats shall be installed in each residential unit
- All landscape and exterior building lighting will be LED lighting.

#### 2. Developer Enforced Standards

The Developer will contribute to the City of Phoenix initiative by addressing the following:

- Utilize low water usage plumbing fixtures.
- Encourage the design of buildings' HVAC systems to eliminate the usage of CFC's and CFC based refrigerants.
- Irrigation systems provided for the project will utilize the latest in water-saving products and materials including smart, weather-base controllers, low flow emitters and spray heads as well as drip irrigation systems to meet the watering needs of the varied types of plants.
- Encourage the use of water-based adhesives on all VCT and vinyl flooring to minimize VOC off gassing.
- Lower flow toilets and showerheads.
- Energy Star Rated appliances.
- Reduce heat island effect through ample open space, desert adapted landscaping and vegetation to include, shrubs etc.
- Provide as much shade as practical.
- Recycling services will be provided for tenants.
- Amenities will be located in areas that minimize direct sun exposure and maximize shade
- On-site amenities and activity programs to encourage residents to remain on property, reducing offsite traffic trips.
- Consider use of grey water or condensate to supplement potable irrigation water.

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## H. Infrastructure

#### 1. Grading and Drainage:

The proposed development will be designed to meet the current City of Phoenix "Storm Water Policies and Standards Manual" and will prove for on-site retention of the 100-yr, 2-hour rainfall runoff.

#### 2. Water and Wastewater:

The proposed development will be designed to the Planning and Development checklists and the Water Services Department Design Standards Manual for Water and Wastewater Systems. A water main extension may be required within the new 40<sup>th</sup> Street alignment and if required it will meet code requirements. The development will connect to the existing 12" main pressure zone (1A) in 40<sup>th</sup> Street, south before the new 40<sup>th</sup> Street curve starts and extends to the existing 12" main in McDowell Road.

#### 3. Circulation Systems:

The goal for the development is to have a friendly, interactive and safe circulation (vehicular and pedestrian) network that encourages safe distribution of motorized and pedestrian (walking and bicycling) traffic. The circulation layout is based upon connectivity, accessibility, pedestrian movement, drop-off point, safety, comfort, convenience and aesthetics. There are two (2) vehicular access points into the site which is off of 40the Street and the 40<sup>th</sup> Street bypass. The driveway access will be designed to the City of Phoenix detail P1255-1 (30' driveway).

#### 4. Pedestrian Circulation:

The proposed development will provide various pedestrian walkways throughout the multifamily development and numerous building access points for residents. All walkways will be shaded to provide comfort to residents moving within and around the permitter of the development. The building is equipped with multiple access points to the surface parking lots to provide the most direct access to residents' vehicles.

## H. Infrastructure

#### 5. Complete Streets:

The City of Phoenix adopted its Complete Streets Policy with its primary goal of helping the City of Phoenix become more walkable, bikeable and public transit friendly, foster social engagement, instill community pride, grow the local economy and property values, identify projects that will improve equitable transportation access for vulnerable and transit-dependent populations while also improving the livability and long-term sustainability of the region. To accomplish these goals the City adopted the Complete Street Design Guidelines to help guide design for successful complete streets. The Design Guidelines cover the following areas; (1) Design for Context; (2) Design for Safety; (3) Design for Comfort and Convenience; (4) Design for Sustainability; (5) Design for Cost-Effectiveness; and (6) Design for Connectivity. The Home at Happy Valley PUD accomplishes the design guidelines in the following ways.

Design for Comfort and Convenience sets forth the following specific design guideline, "Shade should be a primary technique in projects to reduce ambient temperatures and reduce direct sunlight exposure for pedestrians and cyclists." The PUD utilizes enhanced shading standards as stated in Section D.6: Shade, "Shading, which may be architectural, vegetative, or any combination thereof, shall be provided at a minimum of 50% for all public sidewalks. All shade calculations shall be based on the summer solstice at noon." The additional shade along 40<sup>th</sup> Street and McDowell Road and within the PUD will provide additional comfort to pedestrians.

Design for Safety sets forth the following specific design guideline to "Design streets safely for all users, particularly children, the elderly, those with disability, transit users and more vulnerable modes (walking, bicycling, transit)." The PUD utilizes detached sidewalks along all three property lines adjacent to 40<sup>th</sup> Street, the 40<sup>th</sup> Street bypass and McDowell Road. The detached sidewalk and enhanced landscaping within the landscape strip will provide additional safety and comfort to users.

Design for Connectivity sets forth the following specific design guideline to "Expand the availability of public seating and bicycle racks." The development will incorporate the bus stop pad located along McDowell Road which provides public seating and direct access to public transportation. Additionally, the Property is directly abutting an existing bus stop allowing easy access to public transit.

# I. Comparative Zoning Standards Table

Standards	R1-6 Standards	R-5 Standards	Proposed PUD Standards
a. Minimum Lot Dimensions (Width and Depth)	60' width, 94' depth (Minimum area 6,000 sq. ft.)	60' width, 94' depth	None
b. Dwelling Unit Density (Units/Gross Acre	5.30	43.5	28.25
c. Building Setbacks Perimeter	None	None	North – 25' East - 5' West - 10' South - 15'
Front Rear Side	20' 25' 10' and 3'	20' 15' 10' and 3'	
d. Landscape Setbacks Adjacent to a Street	None	Building Setbacks	North – 25' East - 5' West - 10' South - 15'
e. Maximum Height	2 stories and 30'	4 stories or 48'	4 stories and 48'
f. Maximum Lot Coverage	50%	50%	35%
g. Open Space	None	5%	12%

# J. Legal Description

#### PARCEL:

TRACT K, ENSIGN TRACT, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE MARICOPA COUNTY RECORDER IN BOOK 15 OF MAPS, PAGE 30,

EXCEPT THAT PORTION OF 40TH STREET CONVEYED TO THE CITY OF PHOENIX AND MORE FULLY DESCRIBED IN DEED RECORDED IN DOCKET 3574, PAGE 21.

#### AND

EXCEPT ANY PORTION LYING WITHIN PROPERTY DESCRIBED IN STATE PATENT, RECORDED AS 2017-625411 AND LYING WITHIN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 6 TOWNSHIP, 1 NORTH RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

AND

EXCEPT 1/16TH INTEREST RESERVED TO THE STATE OF ARIZONA IN ALL OIL, GAS, HYDROCARBON SUBSTANCES, COAL, STONE, METALS, MINERALS, FOSSILS AND FERTILIZER OF EVERY NAME AND DESCRIPTION AND ALL MATERIALS WHICH MAY BE ESSENTIAL TO PRODUCTION OF FISSIONABLE MATERIALS AS SET FORTH IN ARS 37.231.

#### RIGHT OF WAY ABANDONMENT AREA:

THAT PORTION OF TRACT K, ENSIGN TRACT, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE MARICOPA COUNTY RECORDER IN BOOK 15 OF MAPS, PAGE 30, MORE FULLY DESCRIBED IN DEED RECORDED IN DOC. 2023-0011701.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 4 EAST; THENCE SOUTH 89°50'50" EAST, A DISTANCE OF 197.06, TO A POINT ON THE MONUMENT LINE OF MCDOWELL ROAD;

THENCE LEAVING SAID LINE, SOUTH 01°41'19" WEST, A DISTANCE OF 33.01 FEET;

THENCE NORTH 89°50'49" WEST, A DISTANCE OF 10.00 FEET, TO THE POINT OF BEGINNING;

THENCE SOUTH 01°41'19" WEST, A DISTANCE OF 557.26 FEET;

THENCE NORTH 88°18'41" WEST, A DISTANCE OF 23.00 FEET;

THENCE NORTH 01°41'19" EAST, A DISTANCE OF 556.64 FEET;

THENCE SOUTH 89°50'49" EAST, A DISTANCE OF 2301 FEET, TO THE POINT OF BEGINNING.

CONTAINING 12,810 S.F./0.294 ACRES (MORE OR LESS)



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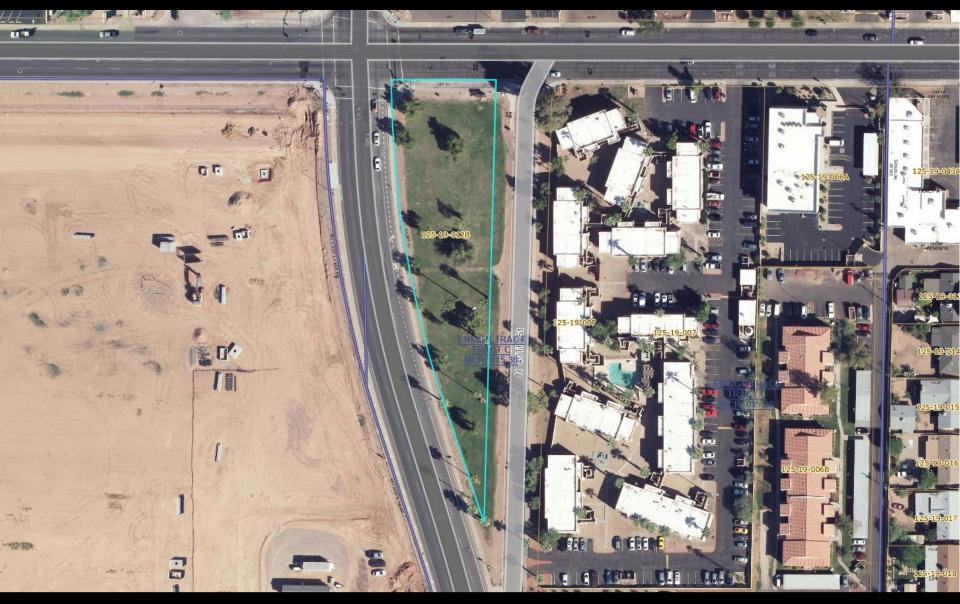
# Tab A

# Zoning and Aerial Maps



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### AERIAL MAP



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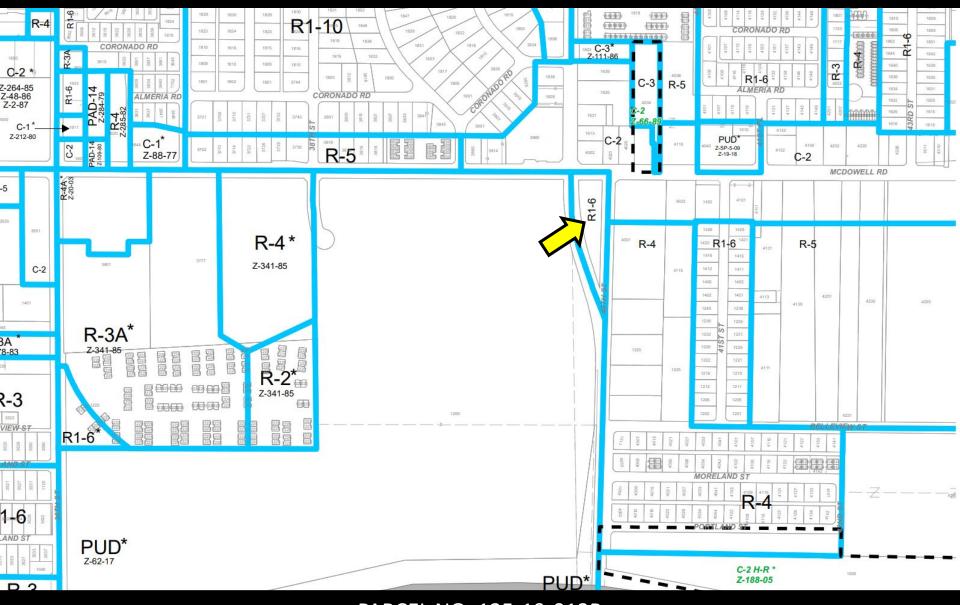
PARCEL NO. 125-19-012B SOUTHEAST CORNER OF 40<sup>TH</sup> STREET AND MCDOWELL ROAD

### AERIAL MAP



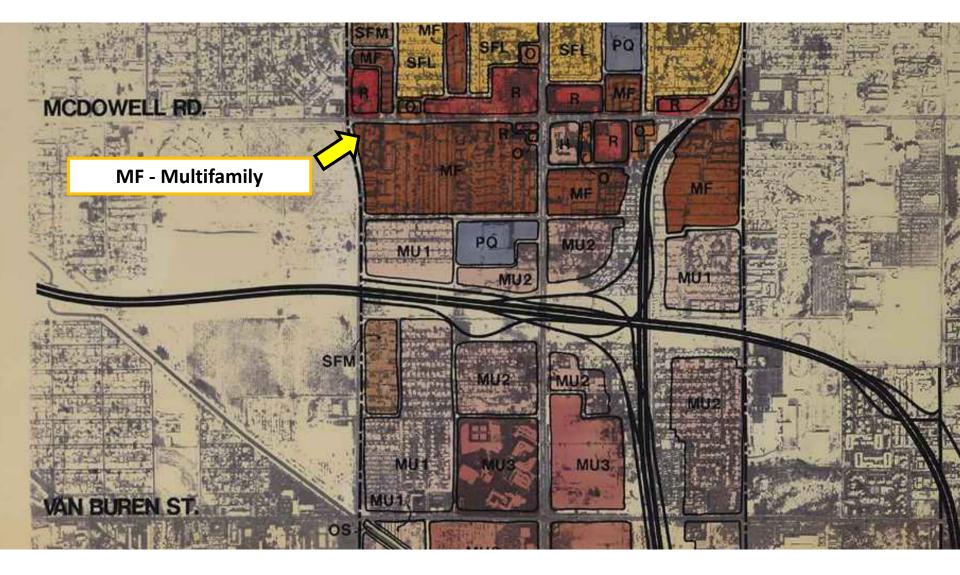
PARCEL NO. 125-19-012B SOUTHEAST CORNER OF 40<sup>TH</sup> STREET AND MCDOWELL ROAD

### ZONING MAP



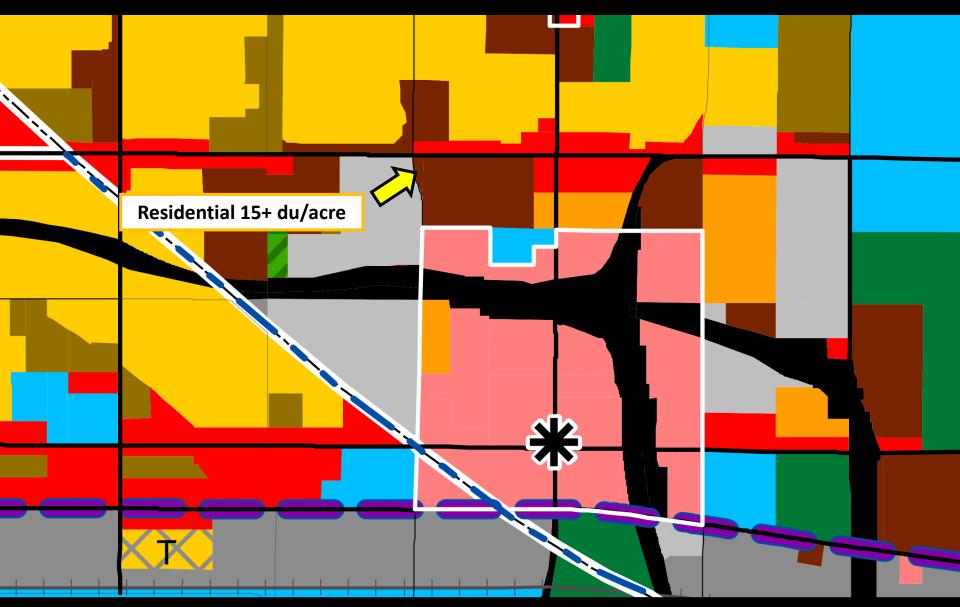
PARCEL NO. 125-19-012B SOUTHEAST CORNER OF 40<sup>TH</sup> STREET AND MCDOWELL ROAD

### 44<sup>TH</sup> STREET CORRIDOR SPECIFIC PLAN



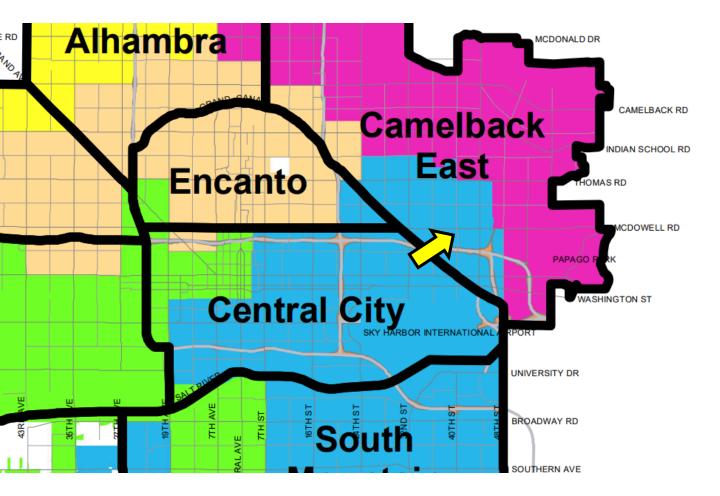
### PARCEL NO. 125-19-012B SOUTHEAST CORNER OF 40<sup>TH</sup> STREET AND MCDOWELL ROAD

### **GENERAL PLAN**



PARCEL NO. 125-19-012B SOUTHEAST CORNER OF 40<sup>TH</sup> STREET AND MCDOWELL ROAD

### CAMELBACK EAST VILLAGE – COUNCIL DISTRICT #8



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PARCEL NO. 125-19-012B SOUTHEAST CORNER OF 40<sup>TH</sup> STREET AND MCDOWELL ROAD

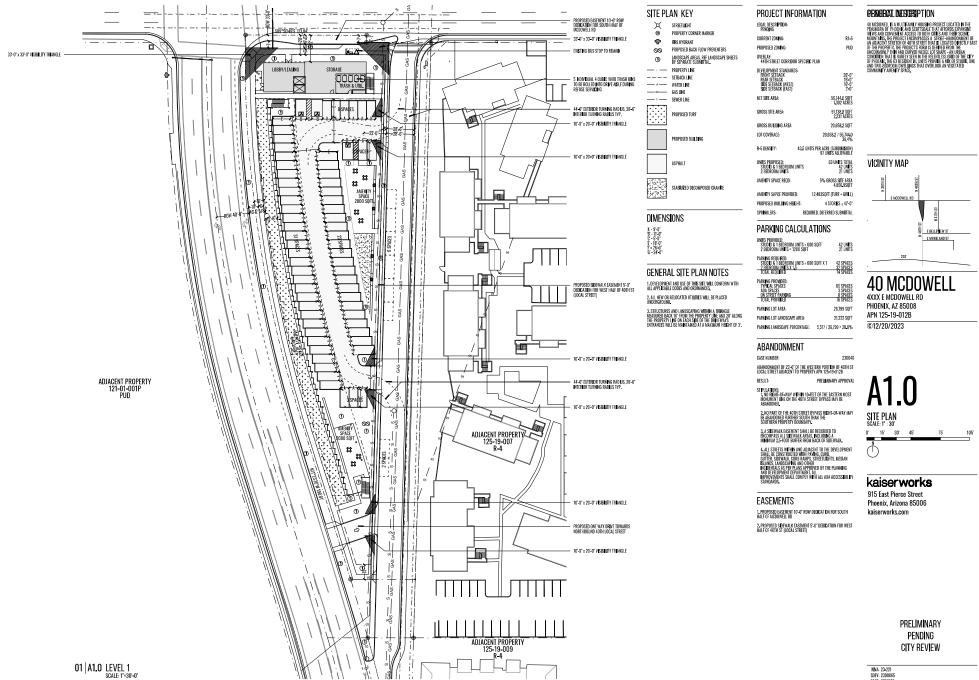
### PHOTOGRAPHIC ELEVATIONS





PARCEL NO. 125-19-012B SOUTHEAST CORNER OF 40<sup>TH</sup> STREET AND MCDOWELL ROAD

# Tab B Conceptual Site Plan



KIVA: 23-221 SDEV: 2300065 PAPP: 2200767 QS: 12-37

# Tab C Conceptual Color Elevations







02 A4.0 EAST ELEVATION



03 A4.0 NORTH ELEVATION



40TH ST & MCDOWELL 125-19-012B

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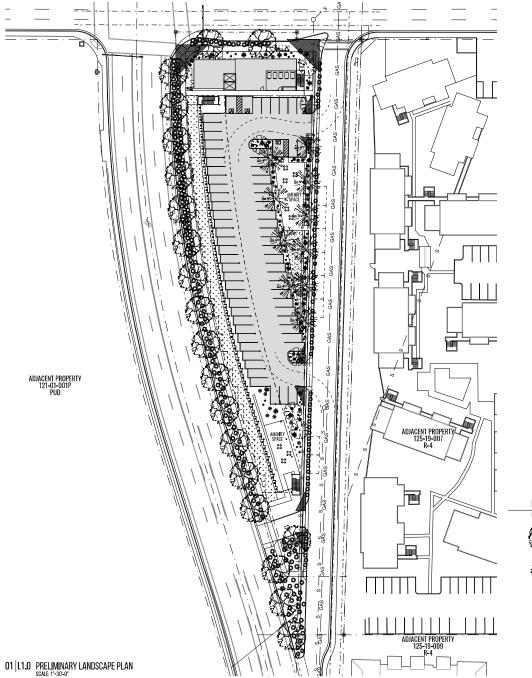
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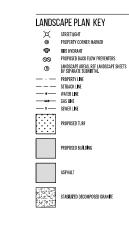
# Tab D

# **Conceptual Landscape Plan**



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40TH ST & MCDOWELL 125-19-012B

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LANDSCAPE DATA TABLE				
PROPOSED SYMBOL	SCIENTIFIC NAME	NAME	SIZING	PROPOSED
B	Ulmus parvifolia	CHINESE ELM	36. BOX	19
	Melia azedarach	Chinaberry	36' BOX	10
ALL ALL	Chita <b>l</b> pa tashkentensis	Chitalpa	36. BOX	6
0	Nassella tenuissima	MEXICAN FEATHER GRASS	5 GAL	250
*	Agave weberi	WEBER AGAVE	5 <b>-</b> 15 GAL	40
۲	Rosmarinus officinalis	PROSTRATE ROSEMARY	1 GAL	20
•	Pedilanthus bracteatus	TROPIC TILLO BRACTEA	15 GAL	30
•	Parthenocissus	HACIENDA CREEPER	5 GAL	65

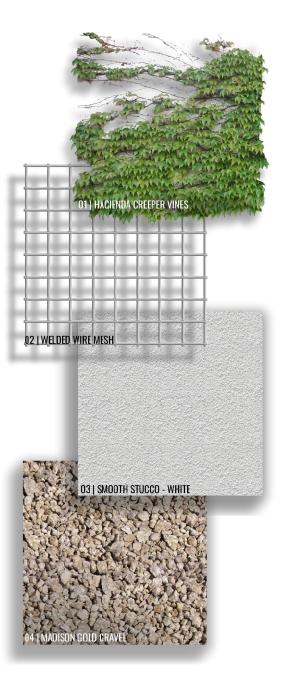
KIVA: 23-221 SDEV: 2300065 PAPP: 2200767 QS: 12-37

# Tab E

## **Conceptual Materials and Color Palette**



GENERAL NOTES







40 MCDOWELL 4XXX E MCDOWELL RD PHOENIX, AZ 85008 APN 125-19-012B ©12/20/2023

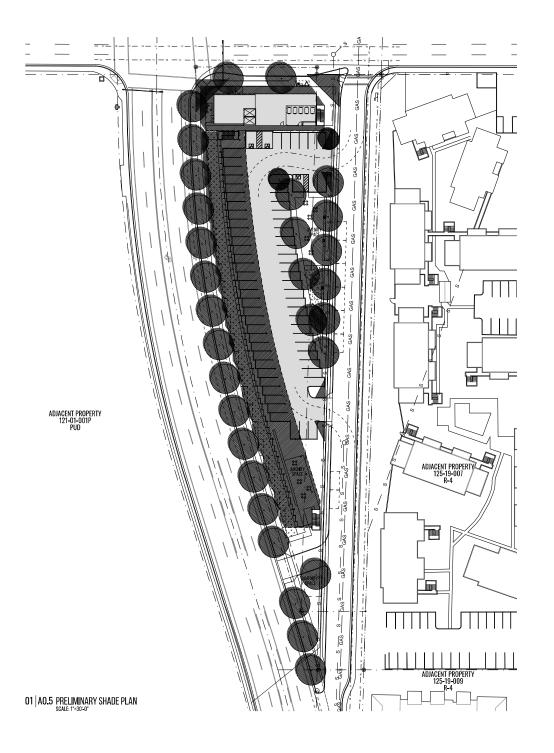


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> PRELIMINARY Pending City Review

KWA: 23-221 SDEV: 2300065 PAPP: 2200767 QS: 12-37

# Tab F Conceptual Shade Study



SHADE PLAN LEGEND
TREE SHADE
BUILDING SHADE

SHADE PLAN NOTES Shade Calculations Total Sidewark and Datenty Area: 17,754,65 Soft Total Sidewark and Datenty Area: 13,547 Soft Total Shaded Frechmage: 16,29%

40TH ST & MCDOWELL

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