



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report Z-24-22-8
August 1, 2022

[Camelback East Village Planning Committee Meeting Date](#)

August 2, 2022

[Planning Commission Hearing Date](#)

September 1, 2022

Request From:

[C-2](#) (Intermediate Commercial) (7.48 acres),
[R-5](#) (Multifamily Residence District)
(0.64 acres)

Request To:

[R-5](#) (Multifamily Residence District)
(8.12 acres)

Proposed Use

Multifamily residential

Location

Approximately 370 feet west of the southwest corner of 48th Street and McDowell Road

Owner

MV McDowell Partners, LLC

Applicant

Kairos Investments Management Company

Representative

Benjamin Graff, Quarles & Brady, LLP

Staff Recommendation

Approval, subject to stipulations

<u>General Plan Conformity</u>			
<u>General Plan Land Use Map Designation</u>		Residential 15+ dwelling units per acre and Transportation	
<u>Street Map Classification</u>	48th Street	Minor Collector	40-foot west half street
	McDowell Road	Major Arterial	45-foot south half street
<p>CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.</p> <p>The proposal will allow the continued operation of a multifamily residential community on the subject site. No additional dwelling units are proposed, thus maintaining the current intensity of uses on the site.</p>			

CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CERTAINTY & CHARACTER; LAND USE PRINCIPLE: Protect residential areas from concentrations of incompatible land uses that could change their character or destabilize land values.

The request will allow the continued use of an existing multifamily residential community without changing the existing layout or density on the subject site. Thus, maintaining the character of the area and allowing a compatible land use to remain on the site.

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.

As stipulated, the landscape setbacks along 48th Street and McDowell Road will contain two-inch caliper shade trees. If the site is redeveloped in the future, the site will be required to provide detached sidewalks along 48th Street and McDowell Road with trees planted between the sidewalk and back of curb. These will provide thermal comfort and shade for pedestrians and residents.

Applicable Plans, Overlays, and Initiatives

[44th Street Corridor Specific Plan](#) – See Background Item No. 5.

[Housing Phoenix Plan](#) – See Background Item No. 6.

[Tree and Shade Master Plan](#) – See Background Item No. 7.

[Complete Streets Guiding Principles](#) – See Background Item No. 8.

[Comprehensive Bicycle Master Plan](#) – See Background Item No. 9.

[Zero Waste PHX](#) – See Background Item No. 10.

Surrounding Land Uses/Zoning

	<u>Land Use</u>	<u>Zoning</u>
On Site	Multifamily residential	C-2 and R-5
North (across McDowell Road)	Church and various commercial uses	C-2
South	Multifamily residential and Brunson Lee Elementary School	R-5

East (adjacent to site and across 48th Street)	Single-family residential and various commercial uses	R-3 and C-2
West (across SR-143 ramp)	Offices	C-2

R-5 – Multifamily Residence District (Subdivision Development Option)		
<u>Standards</u>	<u>Requirements</u>	<u>Provisions on the Proposed Site Plan</u>
Gross Acreage	-	8.12
Total Number of Units	353 maximum	252 (Met, as listed in applicant's narrative)
Dwelling Unit density (units/gross acre)	43.5 dwelling unit/acre maximum	31.03 (Met)
Lot Coverage	50% Maximum	27.4% (Met, as listed in applicant's narrative)
Maximum Building Height	4 stories or 48 feet	2 stories, 25 feet (Met, as listed in applicant's narrative)
Minimum Building Setbacks	Front: 20 feet Rear: 15 feet Sides: 10 feet and 3 feet	McDowell: 14.91 (Not Met*, as listed in applicant's narrative) South: 5 (Not Met*, as listed in applicant's narrative) 48th Street: 20 feet (Met, as listed in applicant's narrative) West: Not depicted, approximately 15 feet

R-5 – Multifamily Residence District (Subdivision Development Option)		
<u>Standards</u>	<u>Requirements</u>	<u>Provisions on the Proposed Site Plan</u>
Minimum Landscape Setbacks	Adjacent to the street: 20 feet Sides and Rear: 5 feet each	McDowell: 14.91 (Not Met*, as listed in applicant's narrative) Not depicted
Minimum common area/open space	5.0%	5.5% (Met, as listed in applicant's narrative)
Minimum Parking Requirements	1.3 spaces per efficiency unit and 1.5 spaces per 1 or 2 bedroom unit and 2 spaces per 3 or more bedroom unit, 1.0 space per unit of less than 600 square feet regardless of number of bedrooms. When the required parking is reserved for residents, additional unreserved parking is required as follows: 0.3 spaces for each efficiency unit and 0.5 spaces per each 1 or 2 bedroom unit and 1.0 space per each 3 or more bedroom unit.	368 (Met, as listed in applicant's narrative)

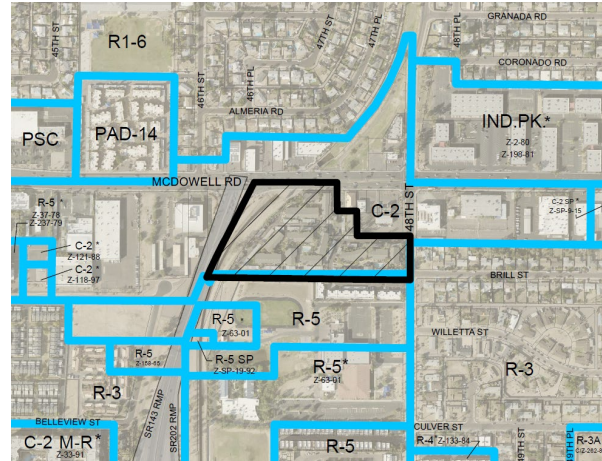
*Variance or site plan modification required

Background/Issues/Analysis

SUBJECT SITE

1. This request is to rezone 8.12 acres located approximately 370 feet west of the southwest corner of 48th Street and McDowell Road from C-2 (Intermediate Commercial) and R-5 (Multifamily Residence District) to R-5 to allow the continued use of a multifamily residential community.

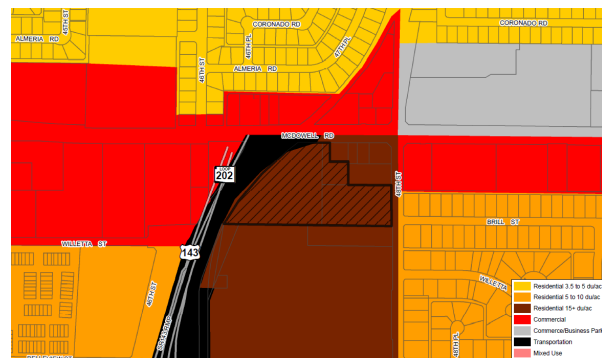
At the time the existing buildings were constructed, the C-2 zoning district standards allowed multifamily residential development to be built up to the R-5 standards. However, in 1986, Ordinance No. G-2841 allowed for multifamily residential uses to be constructed up to the R-3 standards in commercial zoning districts.



Zoning Sketch Map, Source: City of Phoenix Planning and Development Department

The proposal and additional variances to be requested by the applicant will serve to bring the existing project into compliance with current R-5 development standards. This request will also allow the applicant to rebuild the site to existing conditions in the event of a catastrophic event, as outlined in Section 905 of the Phoenix Zoning Ordinance.

2. The subject site as well as the surrounding area to the south and east are designated Residential 15+ dwelling units per acre on the General Plan Land Use Map. To the north, west and east across 48th Street is designated at Commercial. The requested R-5 zoning district is consistent with this designation and compatible with Land Use Map designations in the surrounding area.



General Plan Land Use Map, Source: City of Phoenix Planning and Development Department

EXISTING CONDITIONS & SURROUNDING ZONING

3. A multifamily residential community exists on the subject site and was constructed in the early 1980s. This request proposes no changes to the existing conditions of the subject site, which is zoned C-2 and R-5. The request to rezone the site to R-5 is consistent with the existing zoning to the south of the subject site.

North of the subject site, across McDowell Road, is a church and various commercial uses zoned C-2. To the south, is multifamily residential and an elementary school zoned R-5. To the east, adjacent to the site and across 48th Street, are various commercial uses and single-family residences zoned C-2 and R-3 (Multifamily Residence District). To the west, across the SR-143 ramp, are office uses zoned C-2.

PROPOSAL

4. The conceptual site plan, attached as an exhibit, depicts a portion of the existing development. Per the narrative submitted by the applicant, the site currently has 252 dwelling units distributed across various residential buildings which are two stories and 25 feet in height, 89 of which are affordable units. Three-hundred and sixty eight surface parking stalls are distributed across the site, both covered and uncovered. No changes are proposed to the existing multifamily development.

Staff does not recommend general conformance to the proposed site plan provided as variances will be required to meet current R-5 development standards. Variances undergo the Zoning Adjustment hearing process following the rezoning process. However, to screen the adjacent roadways from residential buildings, staff recommends that the landscape setbacks along 48th Street and McDowell Road be landscaped with minimum two-inch caliper trees, and where possible, existing trees be used to meet this requirement. This is addressed in Stipulation No. 1.

While no changes are proposed to the subject site, in the event any development increases the cumulative floor area of the site by more than 15 percent, staff recommends the following site improvements apply:

- Stipulation No. 2 requires a minimum of 10 percent open space
- Stipulation No. 3 requires bicycle parking spaces
- Stipulation No. 4 requires a detached sidewalk along McDowell Road per Cross Section A as listed on the Street Classification Map
- Stipulation No. 5 requires a detached sidewalk along 48th Street

PLANS, OVERLAYS, AND INITIATIVES

5. [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. The Land Use Plan (Figure 5.2) depicts the

subject site as “Multi-Family Residential”, which is consistent with the requested R-5 zoning and existing use.



44th St Corridor Specific Plan, Source: City of Phoenix Planning and Development Department

6. [Housing Phoenix Plan](#)

In June 2020, the Phoenix City Council approved the Housing Phoenix Plan. This Plan contains policy initiatives for the development and preservation of housing with a vision of creating a stronger and more vibrant Phoenix through increased housing options for residents at all income levels and family sizes. Phoenix’s rapid population growth and housing underproduction has led to a need for over 163,000 new housing units. Current shortages of housing supply relative to demand are a primary reason why housing costs are increasing. The proposed development supports the Plan’s goal of preserving or creating 50,000 housing units by 2030 by maintaining affordable housing units on the subject site.

7. [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. By investing in trees and the urban forest, the city can reduce its carbon footprint, decrease energy costs, reduce storm water runoff, increase biodiversity, address the urban heat island effect, clean the air, and increase property values. In addition, trees can help to create walkable streets and vibrant pedestrian places. Staff recommends the preservation of existing trees (where possible) and planting of minimum two-inch caliper trees within the required landscape setbacks along 48th Street and McDowell Road, which will help shade the adjacent sidewalks. This is addressed in Stipulation No. 1.

8. [Complete Streets Guiding Principles](#)

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 promote alternative transportation, staff recommend Stipulation Nos. 4 and 5 which require the construction of detached sidewalks along 48th Street and McDowell Road if the use is expanded in the future.

9. **Comprehensive Bicycle Master Plan**

The City of Phoenix adopted the Comprehensive Bicycle Master Plan in 2014 to guide the development of its bikeway system and supportive infrastructure. The Comprehensive Bicycle Master Plan supports options for both short- and long-term bicycle parking as a means of promoting bicyclist traffic to a variety of destinations. As stipulated, the development will provide bicycle parking spaces per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance if the development is expanded in the future. This is addressed in Stipulation No. 3.

10. **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. 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 applicant's materials did not indicate whether recycling containers are existing on the site.

COMMUNITY INPUT SUMMARY

11. At the time this staff report was written, no correspondence from the public had been received.

INTERDEPARTMENTAL COMMENTS

12. **Water Services Department**

The City of Phoenix Water Services Department has noted the property has existing water and sewer mains that are serving or can serve this development.

13. **Street Transportation Department**

The Street Transportation Street Transportation Department has requested that the streets be constructed with all required elements and to ADA requirements. This is addressed in Stipulation No. 6.

OTHER

14. The Aviation Department requires that the property owner record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of City of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. The Aviation Department also requires that the project receive a No Hazard Determination

from the FAA and record an avigation easement. These requests are addressed in Stipulation Nos. 7, 8, and 9.

15. The site is located in an area identified as being archaeologically sensitive. If no previous archaeological projects have been conducted within this project area, it is recommended that archaeological Phase I data testing of this area be conducted. Phase II archaeological data recovery excavations may be necessary based upon the results of the testing. A qualified archaeologist must make this determination in consultation with the City of Phoenix Archaeologist. 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 Nos. 10, 11, and 12.
16. 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. 13.
17. 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 proposed development is consistent with the General Plan Land Use Map designation of Residential 15+ dwelling units per acre.
2. The proposal will allow the continued operation of an existing multifamily development that provides affordable housing in the Camelback East Village.
3. As stipulated, the proposal will provide increase shade along perimeter streets and help reduce the urban heat island effect.

Stipulations

1. The landscape setbacks along 48th Street and McDowell Road shall be landscaped with minimum 2-inch caliper single-trunk large canopy drought-tolerant shade trees, planted 20 feet on center or in equivalent groupings, as approved by the Planning and Development Department. When possible, the developer shall use existing trees and landscaping to meet the landscaping requirements.

2. Upon complete redevelopment or development that increases the cumulative floor area by more than 15% from that depicted on the site plan date stamped March 29, 2022, a minimum of 10% open space shall be provided, as approved by the Planning and Development Department.
3. Upon complete redevelopment or development that increases the cumulative floor area by more than 15% from that depicted on the site plan date stamped March 29, 2022, bicycle parking spaces shall be provided per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
4. Upon complete redevelopment or development that increases the cumulative floor area by more than 15% from that depicted on the site plan date stamped March 29, 2022, a minimum 5-foot wide sidewalk shall be provided along McDowell Road and be detached with a minimum 13-foot wide landscaped strip located between the sidewalk and back of curb, per Cross Section A, as identified on the Street Classification Map, as approved by the Planning and Development Department. Minimum 2-inch caliper trees shall be planted 20 feet on center or in equivalent groupings with five 5-gallon shrubs per tree, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
5. Upon complete redevelopment or development that increases the cumulative floor area by more than 15% from that depicted on the site plan date stamped March 29, 2022, the sidewalk along 48th Street shall be detached with a minimum 5-foot wide landscaped strip located between the sidewalk and back of curb, as approved by the Planning and Development Department. 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 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.
7. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis

review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.

8. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor 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.
9. The developer shall grant and record an avigation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
10. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
11. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
12. 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.
13. 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

Sarah Stockham

August 1, 2022

Team Leader

Racelle Escolar

Exhibits

Sketch map

Aerial map

Site plan date stamped March 29, 2022

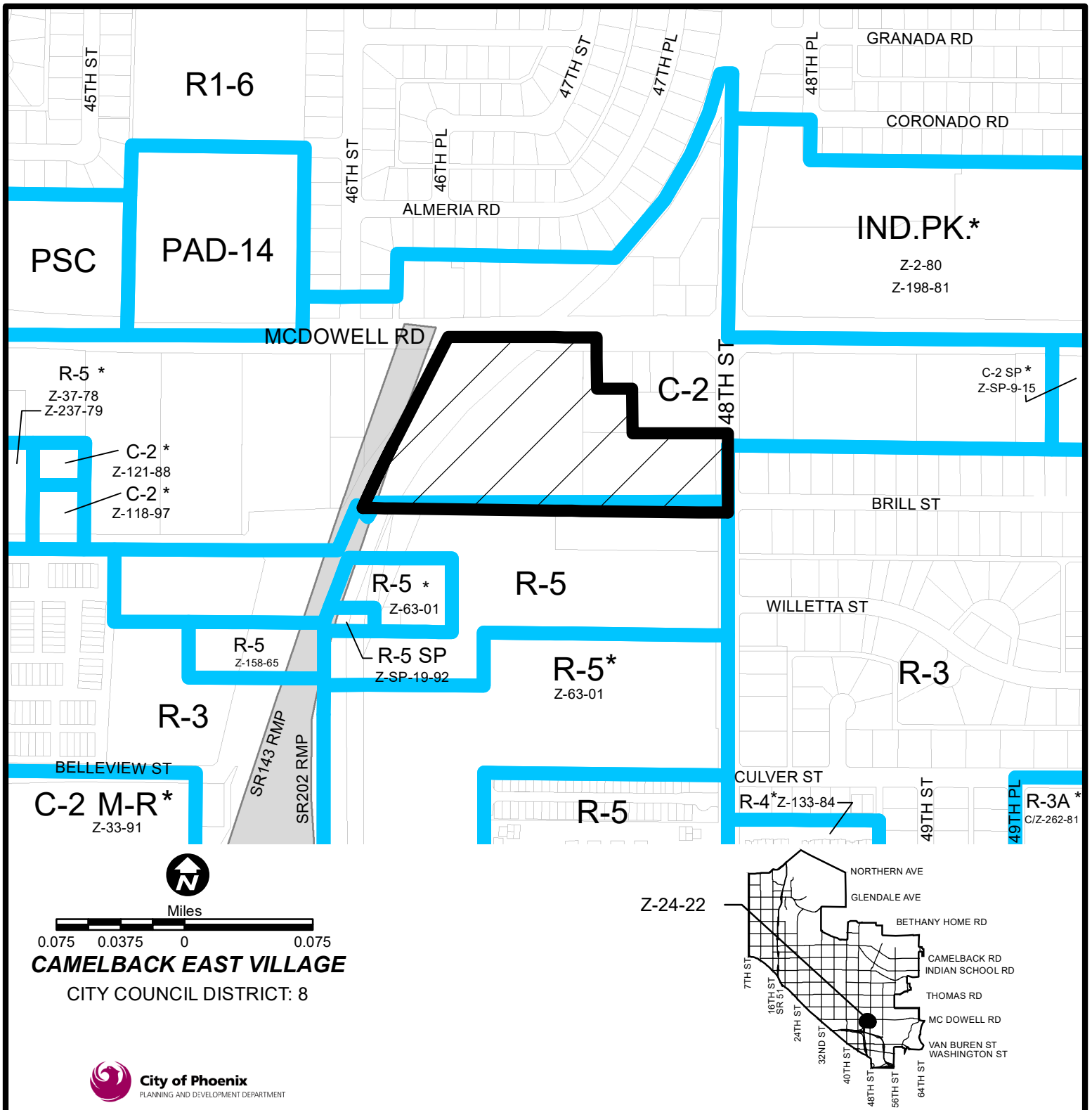
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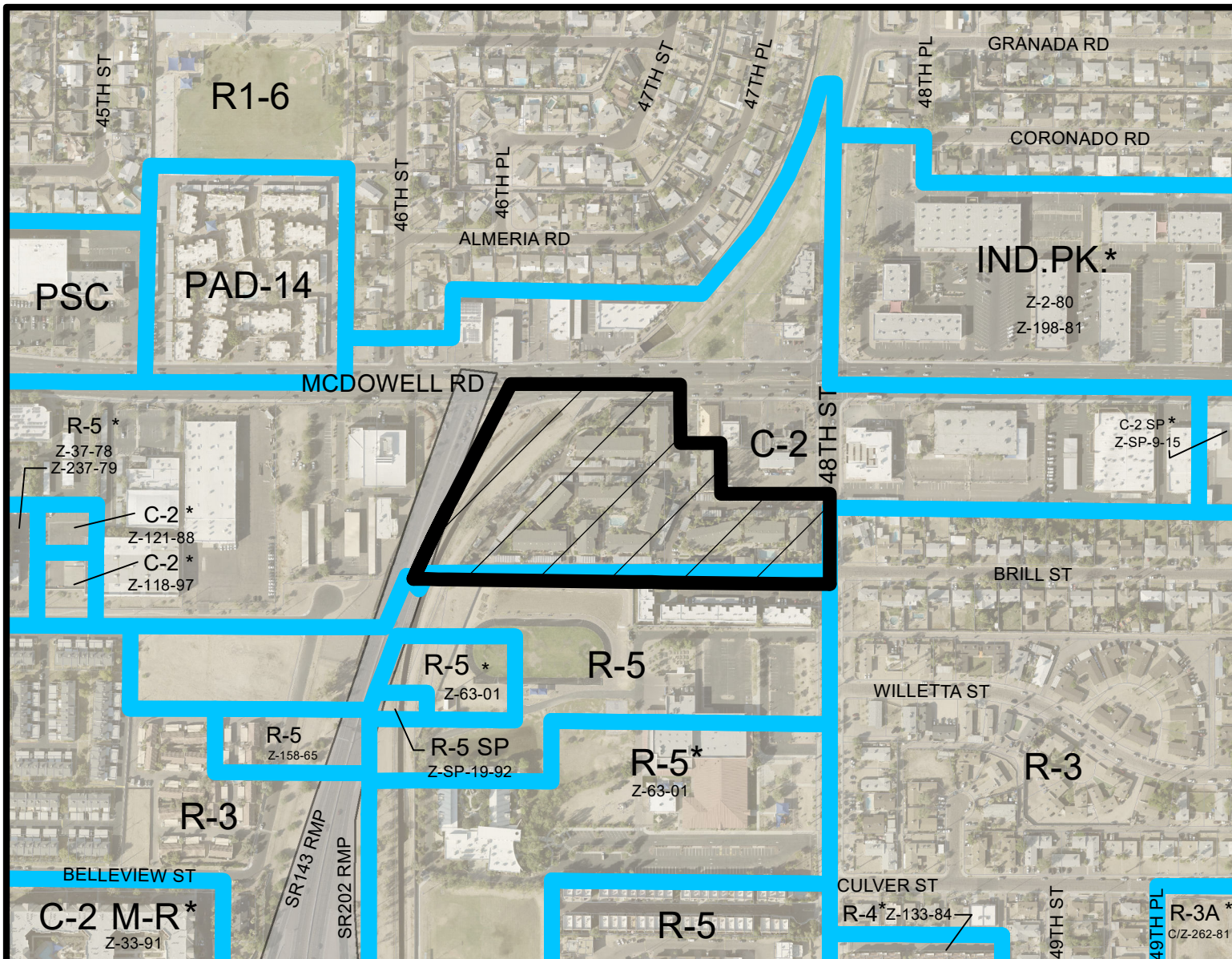
Site map date stamped March 29, 2022

Building photographs date stamped March 29, 2022 (16 pages)



APPLICANT'S NAME: Kairos Investments Management Company		REQUESTED CHANGE:	
APPLICATION NO. Z-24-22	DATE: 4/28/2022 REVISION DATES:	FROM: C-2 (7.48 a.c.) R-5 (0.64 a.c.)	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 8.12 Acres	AERIAL PHOTO & QUARTER SEC. NO. QS 12-38	ZONING MAP G-11	TO: R-5 (8.12 a.c.)
MULTIPLES PERMITTED C-2, R-5 R-5	CONVENTIONAL OPTION 108, 28 353		* UNITS P.R.D. OPTION 130, 33 424

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



Miles

0.075 0.0375 0 0.075

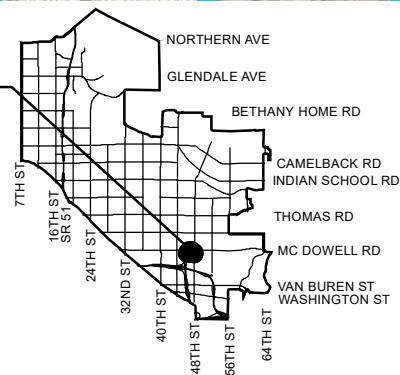
CAMELBACK EAST VILLAGE

CITY COUNCIL DISTRICT: 8



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Z-24-22



APPLICANT'S NAME: Kairos Investments Management Company

APPLICATION NO. Z-24-22

DATE: 4/28/2022
REVISION DATES:

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

8.12 Acres

AERIAL PHOTO &
QUARTER SEC. NO.
QS 12-38

ZONING MAP
G-11

REQUESTED CHANGE:

FROM: C-2 (7.48 a.c.)
R-5 (0.64 a.c.)

TO: R-5 (8.12 a.c.)

MULTIPLES PERMITTED

C-2, R-5
R-5

CONVENTIONAL OPTION

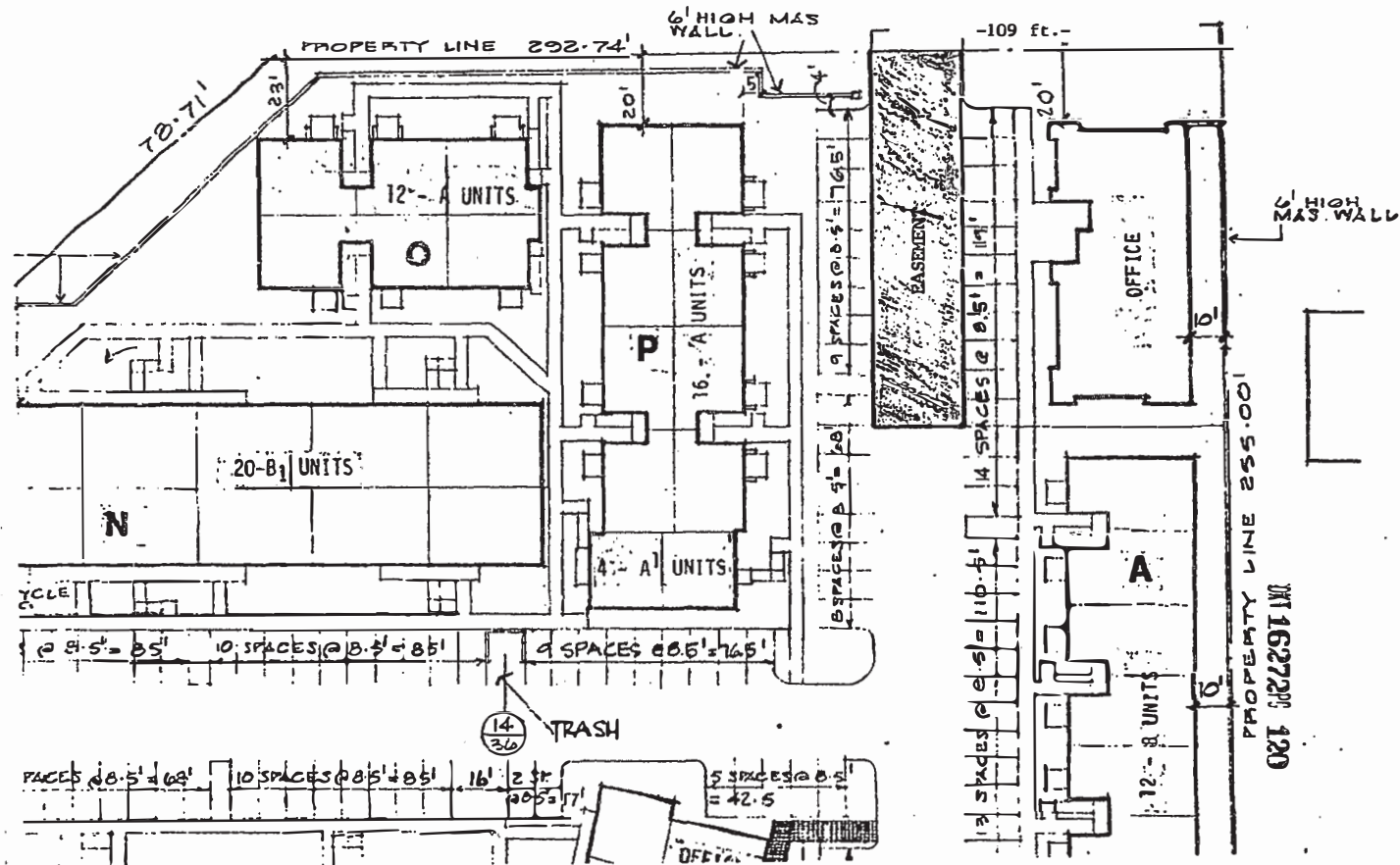
108, 28
353

* UNITS P.R.D. OPTION

130, 33
424

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

MCDOWELL ROAD



MT1627280 120

CITY OF PHOENIX

MAR 29 2022

Planning & Development
Department

Photographic Elevations

E McDowell Rd

Entrance

48th Street

N

Exit Only

■ Studio ■ 1 Bedroom ■ 2 Bedroom

Site Map

BBQ Grill

O

N

P

A

K

I

BBQ Grill

J

L

M

H

G

C

D

B

F

E

Pool

Ramada

Mail Boxes

Leasing Office

BBQ Grills

Clothing Care Center

Pool

Ramada

CITY OF PHOENIX
MAR 29 2022
Planning & Development
Department

Quarles & Brady LLP

BUILDING A



West Side



South Side



East Side



North Side

BUILDING B



West Side



South Side



East Side



North Side

BUILDING C

West Side



South Side

East Side



North Side

BUILDING D

West Side



South Side



East Side



North Side



BUILDING E

West Side



South Side



East Side



North Side



BUILDING F

West Side



South Side



East Side



North Side



BUILDING G

West Side



South Side



East Side



North Side



BUILDING H

West Side



South Side



East Side



North Side



BUILDING I



West Side



South Side



East Side



North Side

BUILDING J



West Side



South Side



East Side



North Side

CITY OF PHOENIX
MAR 29 2022
Planning & Development
Department

BUILDING K



West Side



South Side



East Side



North Side

BUILDING L



West Side



South Side



East Side



North Side

BUILDING M

West Side



South Side



East Side



North Side



BUILDING N



West Side



South Side



East Side



North Side

BUILDING O

West Side



South Side



East Side



North Side



BUILDING P



West Side



East Side



South Side



North Side