



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**Staff Report Z-36-22-4**  
**July 28, 2022**

**Maryvale [Village Planning Committee](#) Meeting Date:** June 8, 2022 (Information only)

**[Planning Commission](#) Hearing Date:** August 4, 2022

**Request From:** R-5 SP (Multifamily Residence District, Special Permit) (3.28 acres) and C-3 SP (General Commercial, Special Permit) (0.95 acres)

**Request To:** R-5 (Multifamily Residence District) (3.28 acres) and C-3 (General Commercial) (0.95 acres)

**Proposed Use:** Removal of a Special Permit to allow all underlying C-3 and R-5 uses

**Location:** Southwest corner of 31st Avenue and McDowell Road

**Owner:** Isaac Elementary School District No. 5

**Applicant:** City of Phoenix, Planning Commission

**Representative:** Benjamin Graff, Quarles & Brady, LLP

**Staff Recommendation:** Approval

<u><a href="#">General Plan Conformity</a></u>			
<u><a href="#">General Plan Land Use Map Designation</a></u>		Public/Quasi-Public	
<u><a href="#">Street Map Classification</a></u>	McDowell Road	Arterial	40-feet south half street
	31st Avenue	Minor Collector	30-feet west half street

**CONNECT PEOPLE AND 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.**

The proposal to remove the Special Permit will allow for the redevelopment of the site, which could add to the diverse mix of existing housing stock in the area. The proposal will also provide an appropriate transition from the commercial uses north of the site.

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

The proposal will allow for the redevelopment of the existing Isaac Preschool Campus and act as a buffer between the Esperanza Elementary School to the east and the single-family residences to the west thus being compatible with local conditions.

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

The proposal to remove the Special Permit will allow for the underlying R-5 and C-3 uses would facilitate the redevelopment of the underutilized property. The applicable development standards for the proposed zoning would allow for compatible redevelopment of the property.

#### **Applicable Plans, Overlays, and Initiatives**

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

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

[Complete Streets Guidelines](#): Background Item No. 8.

[Zero Waste PHX](#): Background Item No. 9.

Surrounding Land Uses and Zoning		
	<u>Land Use</u>	<u>Zoning</u>
<b>On Site</b>	Isaac Preschool Campus	C-3 SP and R-5 SP
<b>North</b>	Restaurant and tire/auto service	C-3
<b>South</b>	Church	R-3
<b>East</b>	Esperanza Elementary School	R-5 and C-3
<b>West</b>	Single-family residential, vacant parcels, and auto sales	R1-6, R-3, R-3 SP and C-3

**Background/Issues/Analysis**

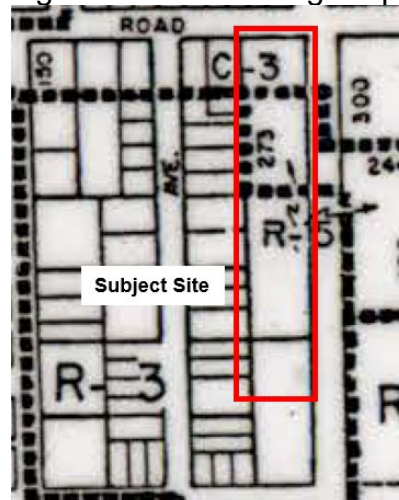
**PROPOSAL**

1. This request is to remove the Special Permit on a 4.23-acre site located at the southwest corner of 31st Avenue and McDowell Road. The existing Special Permit, Z-SP-23-67, was for a school for the handicapped. After the Americans with Disabilities Act (ADA) was signed into law on 1990, it made the Special Permit for a school for the handicapped unenforceable and out of compliance. As a result, the City of Phoenix Planning Commission initiated the request to remove the special permit from the subject property. The request to remove the Special Permit would allow all underlying R-5 (Multifamily Residence District) and C-3 (General Commercial) uses. The Maryvale Village Planning Committee Chair waived the Special Permit removal case, thus resulting in an “Information Only” item on June 8. No specific redevelopment plan was submitted with this application.

**SUBJECT SITE AND HISTORY**

2. The north portion of the site has been zoned R-3, R-5 and C-3 since 1961, per the Zoning Map adopted by the Phoenix City Council (Ordinance G-449). In 1965, Rezoning Case No. Z-66-65 established the R-5 zoning on the south portion of the site. In 1971, Special Permit Z-SP-23-67 was approved to allow a school for the handicapped. The request was approved without stipulations.

Figure A: 1961 Zoning Map (G-449)

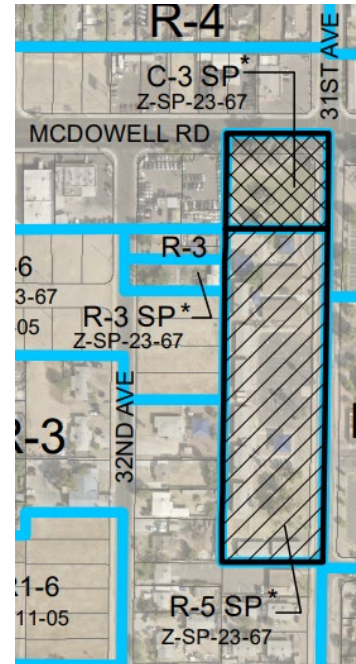


Source: City of Phoenix Planning and Development Department

### SURROUNDING LAND USES AND ZONING

- The Isaac Preschool Campus is currently located on the site. To the north, across McDowell Road, there is a tire/auto shop and restaurant zoned C-3. Esperanza Elementary School is located to the east, across 31st Avenue, zoned R-5 and C-3. To the south is El Buen Camino Church zoned R-3. Single-family residences and an auto dealership are located to the west of the site zoned R1-6, R-3, R-3 SP and C-3

Figure B: Site Context and Surrounding Land Uses

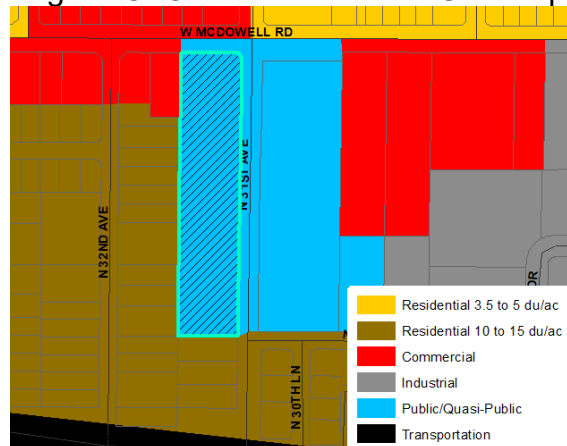


Source: City of Phoenix Planning and Development Department

### GENERAL PLAN LAND USE MAP DESIGNATION

- The General Plan Land Use Map designation for the site is Public/Quasi-Public. The Public/Quasi-Public land use category identifies areas where institutional, cemetery, governmental, utility and airport uses are appropriate. The proposal to remove the Special Permit and allow all underlying C-3 and R-5 uses is not consistent with the General Plan Land Use Map designation, however a General Plan Amendment is not required for this request as the site is under 10 acres.

Figure C: General Plan Land Use Map



Source: City of Phoenix Planning and Development Department

## PROPOSAL

5. The proposal is to remove the Special Permit to allow all underlying C-3 and R-5 uses. Stipulations are not added to Special Permit removal request, therefore there are no stipulations recommended for this proposal.

## STUDIES AND POLICIES

6. **Housing Phoenix**

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 proposal to allow all underlying C-3 and R-5 uses. The proposed zoning permits multifamily residential, which supports the Plan's goal of preserving or creating 50,000 housing units by 2030 by contributing to a variety housing types that will address the supply shortage.

7. **Tree and Shade Master Plan**

The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City's planning and development process. Sidewalks on the street frontages should be detached from the curbs to allow trees to be planted on both sides of the sidewalk to provide thermal comfort for pedestrians and to reduce the urban heat island effect. Any proposed development would be required to comply with the Zoning Ordinance regarding landscaping and open space.

8. **Complete Streets Guidelines**

In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. Any proposed development would be required to comply with the Zoning Ordinance regarding all proposed transportation systems.

9. **Zero Waste PHX:**

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero-waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and Section 716 of the Phoenix Zoning Ordinance expand its recycling and other waste diversion programs. The provision of recycling containers was not addressed in the applicant's submittals.

## COMMUNITY INPUT SUMMARY

10. At the time this staff report was written, staff has not received any community correspondence in support or opposition

### **Findings**

1. The Special Permit Z-SP-23-67 for a school for the handicapped is unenforceable and out of compliance with the Americans with Disabilities Act.
2. The proposal will provide a buffer and an appropriate transition from the commercial uses along McDowell Road to the existing single-family neighborhood to the west and south.
3. The proposal will allow for additional housing opportunities in the Village and will help alleviate the housing crisis.

### **Writer**

Nayeli Sanchez Luna

July 28, 2022

### **Team Leader**

Racelle Escolar

### **Exhibits**

Aerial/Zoning Map (2 pages)

Special Permit Removal Memo from Planning Commission (2 pages)



## City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

**To:** City of Phoenix Planning Commission

**Date:** April 6, 2022

**From:** Tricia Gomes  
Special Projects Administrator

**Subject:** Item No. 12 – Request to initiate a rezoning application to remove a Special Permit for a School for the Handicapped (Z-SP-23-67) from the southwest corner of 31<sup>st</sup> Avenue and McDowell Road

This memo is a request to initiate a rezoning application to remove a Special Permit for a School for the Handicapped (Z-SP-23-67) from the southwest corner of 31st Avenue and McDowell Road. The Special Permit for a school for the handicapped is unenforceable and out of compliance with the Americans with Disabilities Act.

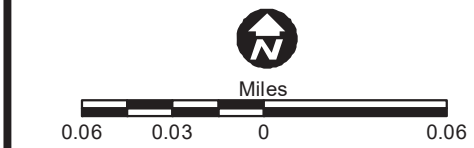
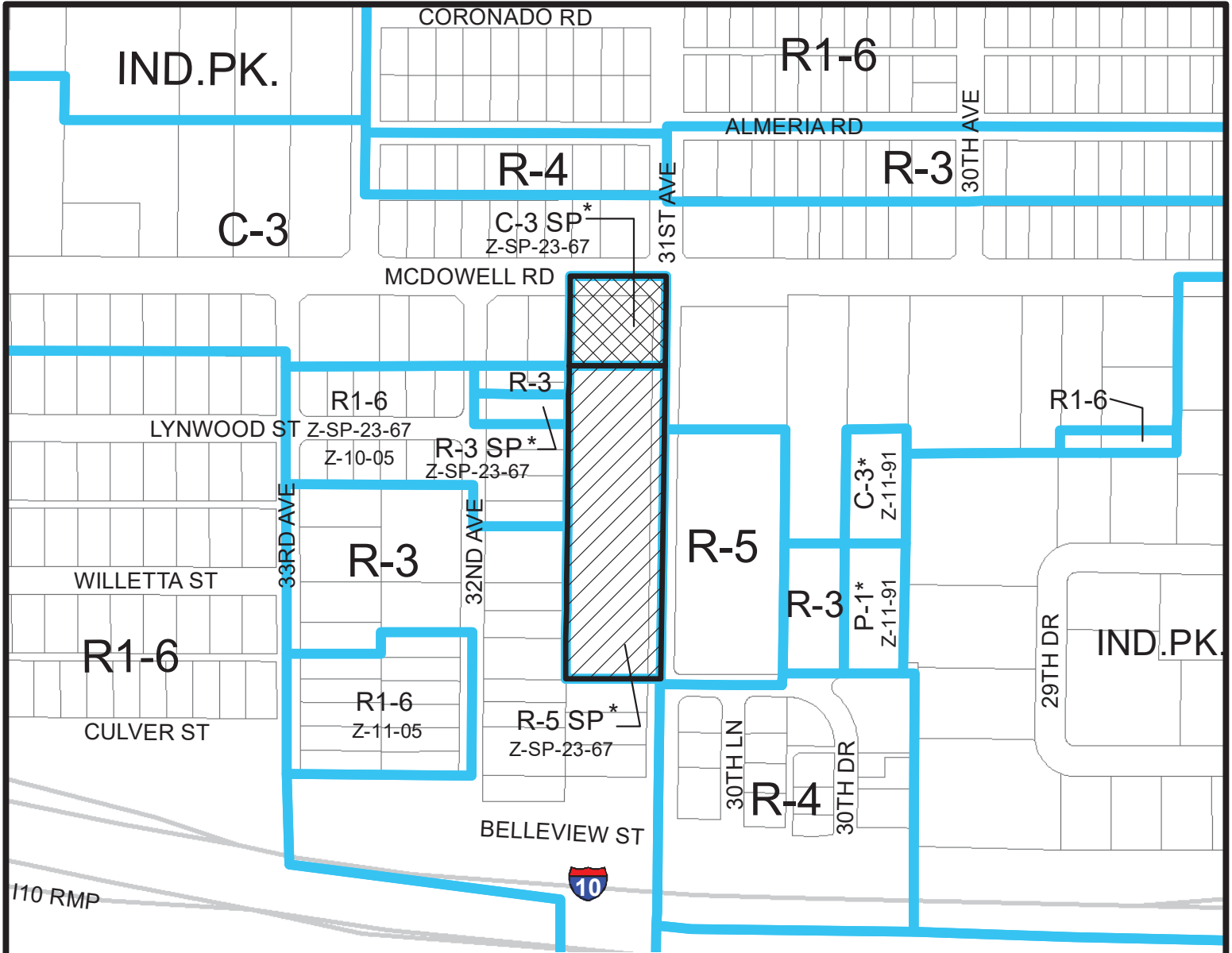
Attachment:  
Aerial/Zoning Map



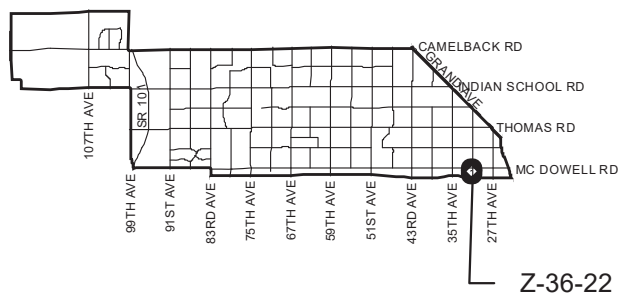




Southwest corner of 31st Avenue and McDowell Road

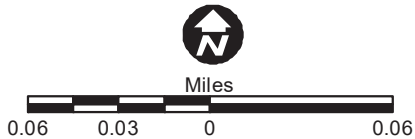
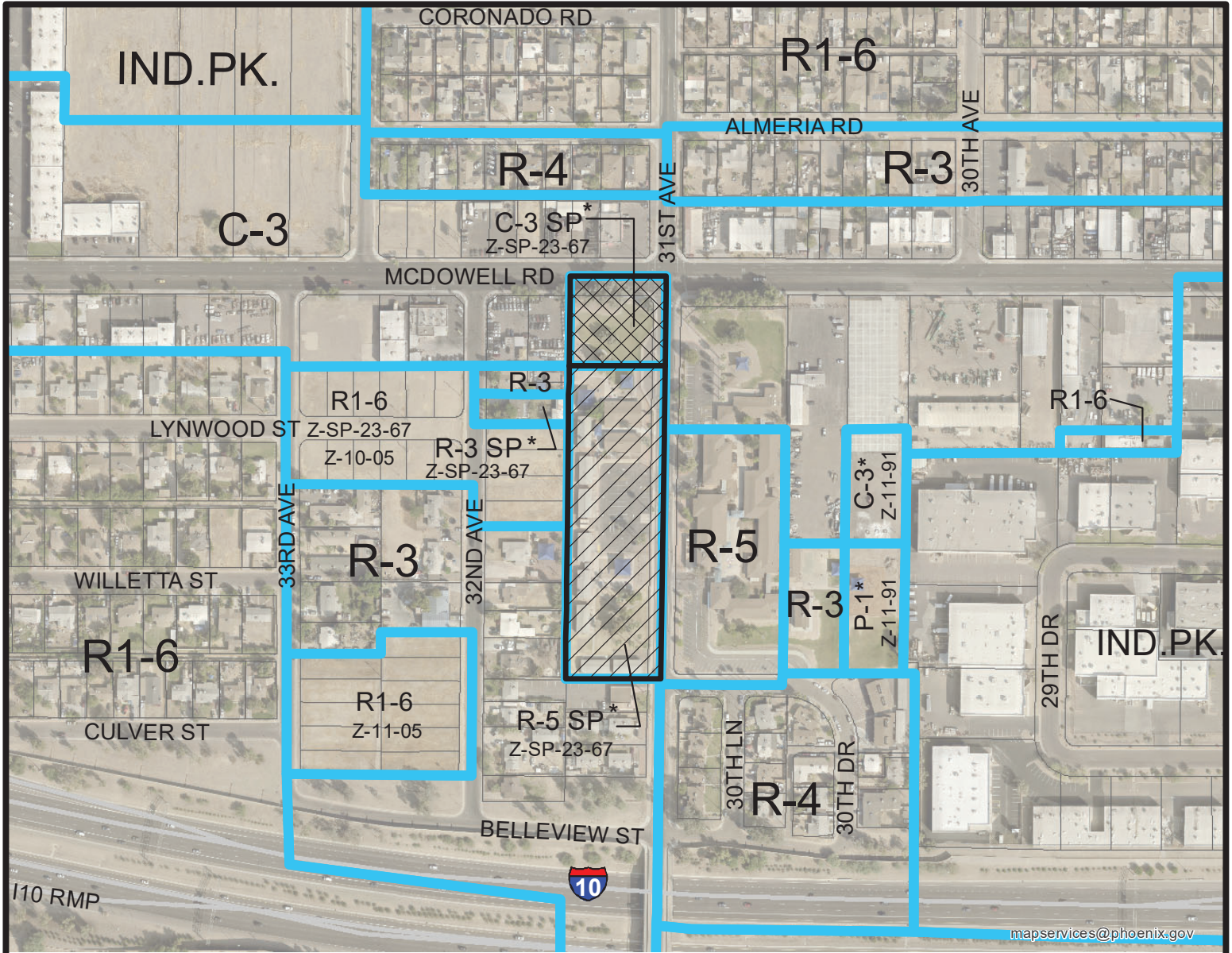




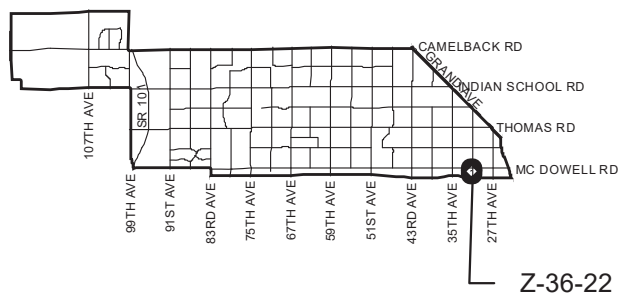
**MARYVALE VILLAGE**  
CITY COUNCIL DISTRICT: 4





<b>APPLICANT'S NAME:</b> City of Phoenix Planning Commission		<b>REQUESTED CHANGE:</b>	
<b>APPLICATION NO.</b> Z-36-22	<b>DATE:</b> 5/27/2022 <small>REVISION DATES:</small>	<b>FROM:</b> C-3 SP ( 0.95 a.c.) R-5 SP ( 3.28 a.c.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> <b>4.23 Acres</b>	<small>AERIAL PHOTO &amp; QUARTER SEC. NO.</small> QS 12-21	<small>ZONING MAP</small> G-6	<b>TO:</b> C-3 ( 0.95 a.c.)  R-5 ( 3.28 a.c.) 
<b>MULTIPLES PERMITTED</b> C-3 SP, R-5 SP C-3, R-5	<b>CONVENTIONAL OPTION</b> 14, 142 14, 142		<b>* UNITS P.R.D. OPTION</b> 16, 171 16, 171
<b>* Maximum Units Allowed with P.R.D. Bonus</b>			



**MARYVALE VILLAGE**  
CITY COUNCIL DISTRICT: 4



<b>APPLICANT'S NAME:</b> City of Phoenix Planning Commission		<b>REQUESTED CHANGE:</b> FROM: C-3 SP ( 0.95 a.c.) R-5 SP ( 3.28 a.c.)	
<b>APPLICATION NO.</b> Z-36-22	<b>DATE:</b> 5/27/2022 <b>REVISION DATES:</b>	TO: C-3 ( 0.95 a.c.)  R-5 ( 3.28 a.c.) 	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.  <b>4.23 Acres</b>	<b>AERIAL PHOTO &amp; QUARTER SEC. NO.</b> QS 12-21 <b>ZONING MAP</b> G-6		
<b>MULTIPLES PERMITTED</b> C-3 SP, R-5 SP C-3, R-5	<b>CONVENTIONAL OPTION</b> 14, 142 14, 142	<b>* UNITS P.R.D. OPTION</b> 16, 171 16, 171	

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