

# ATTACHMENT B



## City of Phoenix PLANNING AND DEVELOPMENT DEPARTMENT

### Staff Report: Z-22-24-8 (40th Street PUD) November 8, 2024

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

November 12, 2024

[Planning Commission](#) Hearing Date:

December 5, 2024

Request From:

[R1-6](#) (Single-Family Residence District) (2.25 acres)

Request To:

[PUD](#) (Planned Unit Development) (2.25 acres)

Proposal:

PUD to allow multifamily residential

Location:

Southeast corner of 40th Street and McDowell Road

Owner/Applicant:

40 McDowell, LLC c/o Yasser Elshair

Representative:

Benjamin Graff, Quarles & Brady, LLP

Staff Recommendation:

Approval, subject to stipulations

General Plan Conformity			
<a href="#">General Plan Land Use Map Designation</a>		Residential 15+ dwelling units per acre	
<a href="#">Street Map Classification</a>	McDowell Road	Arterial	40-foot south half street
	40th Street	Collector	39.97-foot east half street
	40th Street Bypass	Local	33-foot west half street
<b>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.</b>			
The proposal will provide a multifamily residential development along 40th Street and McDowell Road, collector and arterial streets with transit options, and within close proximity to employment and commercial areas.			

***CELEBRATE OUR DIVERSE COMMUNITIES; HEALTHY NEIGHBORHOODS; Plan and design communities and neighborhoods to be pedestrian friendly and walkable.***

The proposed PUD narrative contains standards for pedestrian pathways along the perimeter of the site, providing access to nearby commercial uses and transit opportunities.

***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.***

The proposal provides standards for trees and shade within the site and along adjacent street frontages which will reduce the urban heat island effect while also improving thermal comfort for site users and the surrounding neighborhood.

**Applicable Plan, Overlays, and Initiatives**

[Housing Phoenix Plan](#) – See Background Item No. 11.

[44th Street Corridor Specific Plan](#) – See Background Item No. 12.

[Complete Streets Guiding Principles](#) – See Background Item No. 13.

[Tree and Shade Master Plan](#) – See Background Item No. 14.

[Conservation Measures for New Development](#) – See Background Item No. 15.

[Transportation Electrification Action Plan](#) – See Background Item No. 16.

[Comprehensive Bicycle Master Plan](#) – See Background Item No. 17.

[Zero Waste PHX](#) – See Background Item No. 18.

**Surrounding Land Uses/Zoning**

	<u>Land Use</u>	<u>Zoning</u>
<b>On Site</b>	Vacant	R1-6
<b>North (across McDowell Road)</b>	Retail, commercial uses	C-2
<b>South</b>	40th Street	Right-of-way
<b>East (across 40th Street bypass)</b>	Multifamily residential	C-2 and R-4
<b>West (across 40th Street)</b>	Data Center	PUD

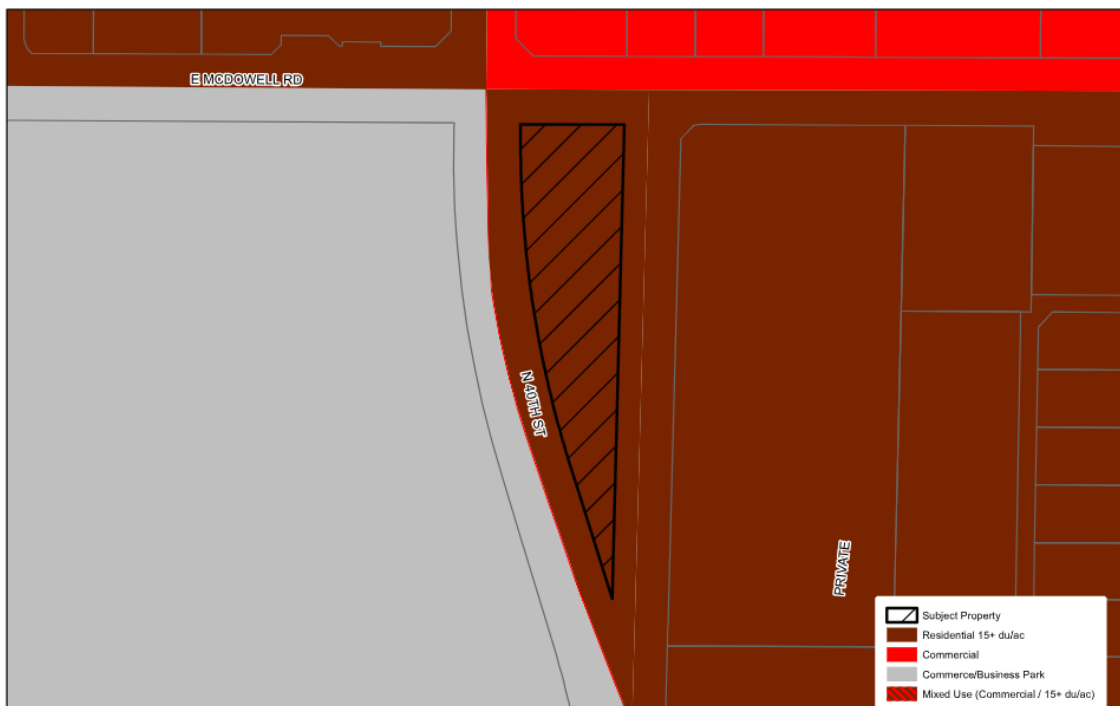
## **Background/Issues/Analysis**

### **SUBJECT SITE**

1. This request is to rezone a 2.25-acre site located at the southeast corner of 40th Street and McDowell Road from R1-6 (Single-Family Residence District) to PUD (Planned Unit Development) to allow multifamily residential.

### **SURROUNDING LAND USE AND DESIGNATION**

2. The General Plan Land Use Map designation for the subject site is Residential 15+ dwelling units per acre. The proposal is consistent with the General Plan Land Use Map designation. The General Plan Land Use Map designation to the north, across McDowell Road, is Commercial; to the east, across the 40th Street bypass, is Residential 15+ dwelling units per acre; and to the west, across 40th Street, is Commerce/Business Park.



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

### **SURROUNDING LAND USES AND ZONING**

3. To the north of the site, across McDowell Road, are various commercial uses such as a convenience store and a stamp retail store zoned C-2 (Intermediate Commercial). To the west across 40th Street is a data center zoned PUD (Planned Unit Development). To the east are multifamily residences zoned C-2 (Intermediate Commercial) and R-4 (Multifamily Residence District). To the south is 40th Street, a collector street.

## PROPOSAL

4. The proposal was developed utilizing the PUD zoning district. The Planned Unit Development (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. **Conceptual Site Plan**

The conceptual site plan, attached as an exhibit, proposes up to 78 residential units in a four-story building that is configured to the unique triangular-shaped site with vehicle access from 40th Street and the 40th Street bypass. This proposal includes five percent open space and first floor parking beneath the residential units. Detached sidewalks will be provided along 40th Street and McDowell Road, and an attached sidewalk will be provided along the 40th Street bypass that will include trees and landscaping to promote pedestrian activation. The proposal will also reconstruct the bus pad on McDowell Road with the addition of landscaping to mitigate heat impacts. The conceptual site plan depicts on-street parking along 40th Street, this parking is for public use and does not count toward the number of required parking spaces. Staff recommends that the on-street parking be deleted. This is addressed in No. Stipulation 1.f.

6. **List of Uses**

The PUD proposes multifamily residential as the only permitted use, with temporary uses in conformance with Section 708 and Accessory Uses that conform to Section 608 and 706 of the Phoenix Zoning Ordinance.

7. **Development Standards**

The PUD proposes multifamily residential as the only permitted use, with building heights, setbacks, lot coverage and density that vary from the allowable underlying zoning in the area. The PUD proposes a density of up to 34.67 (per Stipulation No. 1.b) dwelling units per acre, a building height of 48 feet (4 stories) and a maximum lot coverage of 33 percent.

Below is a summary of the key development standards set forth in the narrative.

<b><u>Development Standards</u></b>	
<b><u>Standard</u></b>	<b><u>PUD Proposed</u></b>
<i>Maximum Density</i>	78 units
<i>Maximum Building Height</i>	48 feet
<i>Minimum Open Space</i>	5 percent
<i>Maximum Lot Coverage</i>	33 percent
<i>Minimum Building Setbacks</i>	

McDowell Road (North)	13 feet
40th Street Bypass (East)	23 feet
South	30 feet
40th Street (West)	5 feet

<i>Minimum Landscape Setbacks</i>	
McDowell Road (North)	13 feet
40th Street Bypass (East)	4 feet, 8 inches
South	30 feet
40th Street (West)	5 feet
<i>Minimum Streetscape Standards</i>	
McDowell Road (North)	Landscape strip between back of curb and sidewalk: 10 feet. Detached Sidewalk Width: 6 feet. Sidewalk Shade Coverage: 75 percent.
40th Street Bypass (East)	Attached Sidewalk Width: 5 feet. Sidewalk Tree Shade Coverage: 75 percent.
40th Street (West)	Landscape strip between back of curb and sidewalk: 8 feet. Detached Sidewalk Width: 5 feet. Sidewalk Tree Shade Coverage: 75 percent.

<i>Minimum Parking Standards</i>	
Residents	0.75 spaces per studio and one-bedroom units, 1.125 spaces per multiple bedroom units
EV Parking	10 percent of required spaces will be EV installed, capable or ready
Bicycle Parking	Residents: 0.25 spaces per unit, maximum of 50 spaces Guests: 0.05 spaces per unit

### **Landscape Standards**

The PUD establishes standards to promote shade coverage along the north, west and east perimeters of the site for pedestrian-oriented design to maximize landscaping at the street level. The PUD Narrative includes provisions for landscaping in the Development Standards. The landscape area between the back of curb and sidewalk and the building setbacks adjacent to the streets will be planted with 2-inch caliper trees planted 20 feet on center to provide 75 percent shade coverage.

Landscaping design will include two-inch caliper trees with a variety of shrubs and ground cover species. A minimum of 50 percent live ground coverage is proposed which is consistent with the Zoning Ordinance standards.

The landscape strips where detached sidewalks are provided will include 75 percent live ground coverage.

Since a detached sidewalk is not proposed along the 40th Street bypass, staff recommends the deletion of the associated landscape strip planting standards. This is addressed in Stipulation No. 1.c.

All landscape species will comply with the Arizona Department of Water Resources Low-Water Use/Drought Tolerant Plant list. This is addressed in the Sustainability Section of the PUD Narrative and in Stipulation No. 1.e.

#### **Walls/Fences**

Fences and walls shall comply with Section 703 of the Phoenix Zoning Ordinance.

#### **Shade**

A combination of architectural and vegetative elements will provide shading throughout the proposed development. Sidewalk and pathway coverage will be shaded to a minimum of 75 percent for public and private sidewalks. The shading provided is an enhancement to typical multifamily residential standards.

#### **Lighting**

All lighting shall be consistent with the standards of Section 507, Tab A. II. B. of the Zoning Ordinance and Section 23-100 of the City Code, and Pedestrian lighting shall be provided along public and private sidewalks that comply with the standards of Section 1304.D and Section 1304. H. 5 (Walkable Urban Code standards in the Zoning Ordinance).

#### **8. Design Guidelines**

The PUD proposes enhanced design guidelines to ensure the building is aesthetically pleasing and compatible with the surrounding area. The design guidelines include provisions to address exterior materials, building articulation, and amenities, such as, shading elements, a dog run, bicycle infrastructure and an outdoor barbeque area.



*Conceptual Elevations with Landscaping, Source: Kaiserworks*

9. **Signs**

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

10. **Sustainability**

The proposal includes several options to incorporate sustainability principals. These options include standards which encourage recycling and energy and water efficiency.





*Site Rendering, Source: Kaiserworks*

## AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES

### 11. [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.

### 12. [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 which encompasses the subject site. The plan indicates that the area between McDowell Road and Washington Street represents the greatest density of development in the corridor. The subject site is within the Multifamily Residential (MF) designation which recommends densities of 15 or more dwelling units per acre or more for the area. The proposal will support the development intensity in the corridor by providing greater housing density, additional housing opportunities in close proximity to a large number of employers, as well as attracting residents with disposable income to spend at nearby retail/restaurant businesses, thus encouraging the long-term viability of the existing office and commercial uses in the surrounding area.



13. **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. The development will activate the street frontages, provide detached sidewalks and provide enhanced landscaping and shade along the sidewalks. This is addressed in the PUD Narrative.

14. **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. The PUD includes enhanced planting and shading standards to reduce the urban heat island effect. Shading and landscaping is provided along McDowell Road, 40th Street and the 40th Street bypass.

15. **Conservation Measures for New Development**

In June 2023, the Phoenix City Council adopted the Conservation Measures for New Development policy as part of a resolution addressing the future water consumption of new development (Resolution 22129). This resolution addresses the future water consumption of new development to support one of the City's Five Core Values in the General Plan which calls for Phoenix to - *Build the Sustainable Desert City*. The Conservation Measures for New Development policy includes direction to develop standards for consideration as stipulations for all rezoning cases that will address best practices related to water usage in nine specific categories. This is addressed in the PUD Narrative and in Stipulation No. 1.e.

16. **Transportation Electrification Action Plan**

In June 2022, the Phoenix City Council approved the Transportation Electrification Action Plan. The current market desire for the electrification of transportation is both a national and global phenomenon, fueled by a desire for better air quality, a reduction in carbon emissions, and a reduction in vehicle operating and maintenance costs. Businesses, governments and the public are signaling strong future demand for electric vehicles (EVs), and many automobile manufacturers have declared plans for a transition to fully electric offerings within the coming decade. This Plan contains policy initiatives to prepare the City for a future filled with more EVs, charging infrastructure and e-mobility equity, and outlines a roadmap for a five-step plan to prepare for the EV infrastructure needs of 280,000 EVs in Phoenix by 2030. One goal of the Plan to accelerate public adoption of electric vehicles through workplace, business, and multifamily charging infrastructure recommends a standard stipulation for rezoning cases to provide EV

charging infrastructure. The PUD proposes a standard for electric bicycle and vehicle parking, charging and infrastructure.

17. **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. The proposal incorporates requirements for bicycle parking, electrical charging for 10 percent of the required spaces to support micromobility, and a bicycle fix it station. The proposal is adjacent to 40th Street which is in the City's bikeway system.

18. **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 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 PUD narrative states that recycling services will be provided for tenants.

COMMUNITY INPUT SUMMARY

19. At the time this staff report was written, two letters in opposition note concerns with an associated abandonment and two letters of support have been received.

INTERDEPARTMENTAL COMMENTS

20. The Street Transportation Department provided the following comments:
- On-street parking shall be for public use only and may not be counted towards required parking spaces. This is addressed in Stipulation Nos. 1.d. and 1.f.
  - Per the local cross section, 50 feet is required for the south half of McDowell Road. This is addressed in Stipulation No. 3.
  - A Traffic Impact Study be submitted by the developer for review, the developer shall be responsible for any dedications, funding and construction that may result from recommendations of the study. This is addressed in Stipulation No. 4.
  - That all streets be constructed with required improvements and comply with current ADA standards. These are addressed in Stipulation Nos. 5 and 6.

OTHER

21. The Public Transit Department requested that the eastbound bus pad on McDowell Road east of 40th Street be reconstructed. This is addressed in Stipulation No. 2.

22. The Aviation Department requested the airport disclosure. This is addressed in Stipulation No. 7.
23. The site is located in a larger area identified as being archaeologically sensitive. If further review by the City of Phoenix Archaeology Office determines the site and immediate area to be archaeologically sensitive, and 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. 8 through 10.
24. 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 final site plan approval. This is addressed in Stipulation No. 11.
25. 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 the General Plan Land Use Map designation, and several General Plan and city goals/policies.
2. The proposal will develop an underutilized site and provide additional housing options consistent with the 44th Street Corridor Specific Plan.
3. The proposed PUD sets forth design and development standards that will facilitate pedestrian-oriented design and promote a safer walking and bicycling environment.

### **Stipulations**

1. An updated Development Narrative for the 40th Street 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 October 3, 2024, as modified by the following stipulations:

- a. Front cover: Revise the date information on the cover page to the following: City Council Adopted: [Add Adoption Date].
  - b. Page 9, Development Standards, Maximum Density: Update to 34.67 du/acre.
  - c. Page 10, Streetscape Standards, c. 40th Street Bypass: Delete item 4 related to the landscape planting standards.
  - d. Page 11, Parking Standards, a. Minimum Resident Parking Standards: Add On-street parking shall be for public use only, including residents, and may not be counted towards the required parking spaces for the site.
  - e. Page 14, Design Guidelines: Add following items into a Water Conservation section.
    - Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought Tolerant Plan list shall be utilized, as approved or modified by the Planning and Development Department.
    - Natural turf shall only be utilized for required retention areas (bottom of basin) and functional turf areas within common areas, as approved by the Planning and Development Department.
    - Landscaping shall be maintained by permanent and automatic/water, efficient WaterSense labeled irrigation controllers (or similar smart controllers) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
    - Pressure regulating sprinklers heads and/or drip irrigation lines shall be utilized in any turf areas to reduce water waste.
  - f. Tab B: Conceptual Site Plan Exhibit: Delete on-street parking. As noted in 1.d. the on-street parking is for public use only and does not count toward the required parking.
2. Right-of-way shall be retained and the bus stop pad shall be reconstructed on eastbound McDowell Road. The bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet and a minimum length of 40 feet. The bus stop pad shall be spaced from 40th Street according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide a minimum 50% shade coverage to the bus stop pad.

3. A minimum of 50 feet of right-of-way shall be dedicated and constructed for the southern half of McDowell Road, as approved by the Planning and Development Department.
4. The developer shall submit a Traffic Impact Study for this development, no preliminary approval of plans shall be granted until the study has been reviewed and approved by the City. The developer shall be responsible for any dedications, funding and construction of all recommendations in the study.
5. Unused driveways shall be replaced with sidewalk, curb and gutter. Also, any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets shall be replaced and all off-site improvements shall be upgraded to be in compliance with current ADA guidelines.
6. All streets within and adjacent to the development shall be constructed 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 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.
8. 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.
9. 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.
10. 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.
11. Prior to final 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**

John Roanhorse

November 8, 2024

**Team Leader**

Racelle Escolar

**Exhibits**

Sketch Map

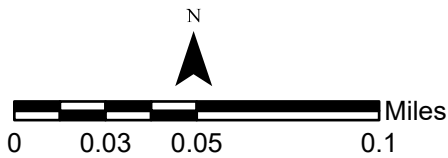
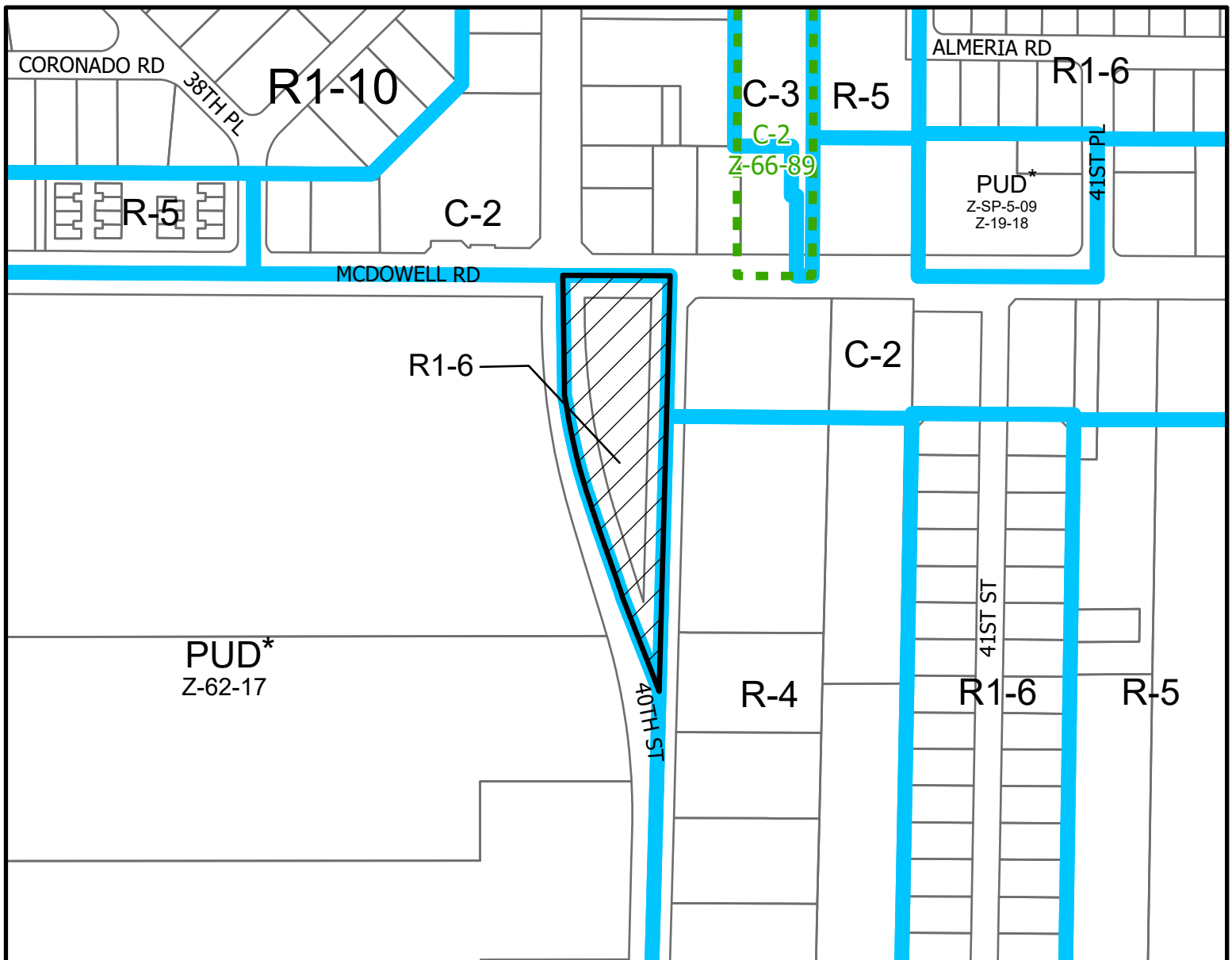
Aerial Map

Conceptual Site Plan date stamped October 3, 2024

Conceptual Elevations date stamped August 7, 2024

Community Correspondence (8 pages, including header pages)

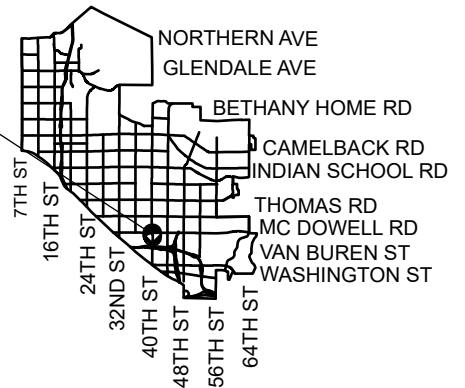
[40th Street PUD](#) development narrative date stamped October 3, 2024



**CAMELBACK EAST VILLAGE**  
COUNCIL DISTRICT: 8



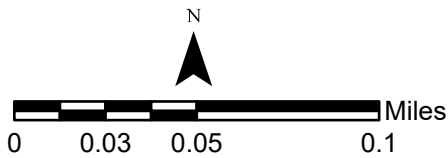
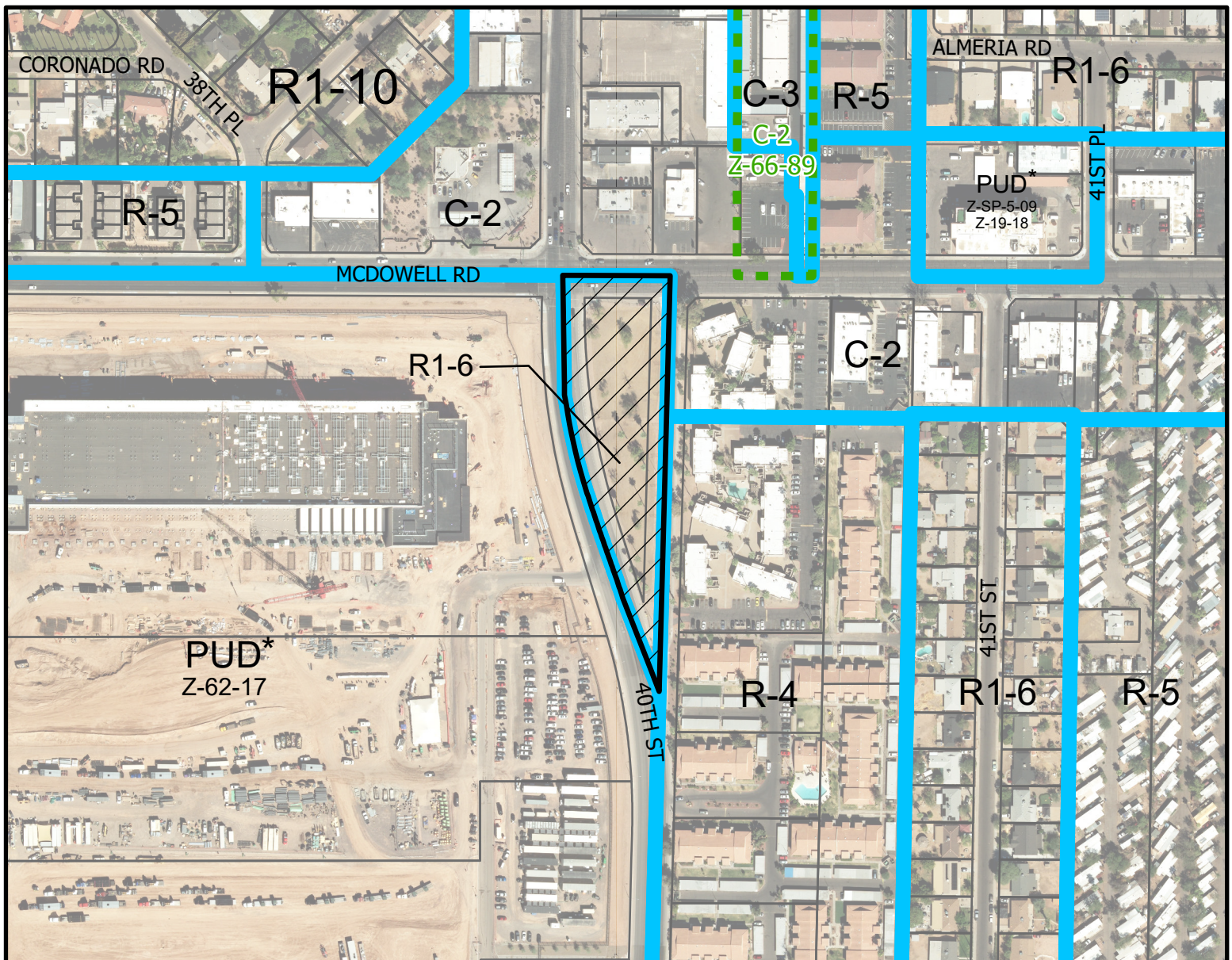
Z-22-24-8



APPLICANT'S NAME: <b>Quarles &amp; Brady LLP</b>			REQUESTED CHANGE:		
APPLICATION NO: <b>Z-22-24-8</b>			FROM: <b>R1-6 ( 2.25 a.c.)</b>		
DATE: <b>2/16/2024</b>			TO: <b>PUD ( 2.25 a.c.)</b>		
REVISION DATES:					
10/31/2024					
AERIAL PHOTO & QUARTER SEC. NO. <b>QS 12-37</b>					
ZONING MAP <b>G-10</b>					
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. <b>2.25 Acres</b>					
MULTIPLES PERMITTED			* UNITS P.R.D OPTION		
<b>R1-6</b>			<b>14</b>		
<b>PUD</b>			<b>N/A</b>		

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

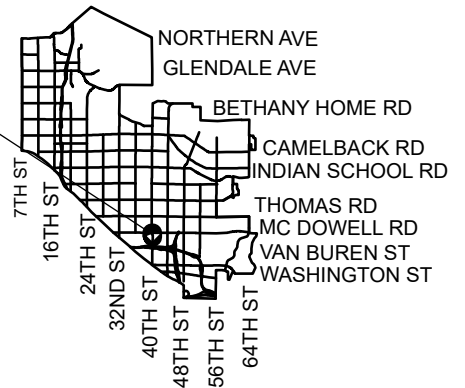




**CAMELBACK EAST VILLAGE**  
COUNCIL DISTRICT: 8



Z-22-24-8



APPLICANT'S NAME: <b>Quarles &amp; Brady LLP</b>		REQUESTED CHANGE:	
APPLICATION NO: <b>Z-22-24-8</b>		FROM: <b>R1-6 ( 2.25 a.c.)</b>	
DATE: <b>2/16/2024</b>		TO: <b>PUD ( 2.25 a.c.)</b>	
REVISION DATES:			
10/31/2024			
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.		AERIAL PHOTO & QUARTER SEC. NO.	
<b>2.25 Acres</b>		<b>QS 12-37</b>	
		ZONING MAP	
		<b>G-10</b>	
MULTIPLES PERMITTED		CONVENTIONAL OPTION	
<b>R1-6</b>		<b>12</b>	
<b>PUD</b>		<b>78</b>	
		* UNITS P.R.D OPTION	
		<b>14</b>	
		<b>N/A</b>	

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





GENERAL NOTES

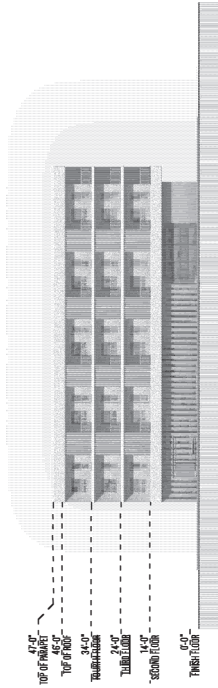
SEE MATERIAL PARTITION SHEET A4.4



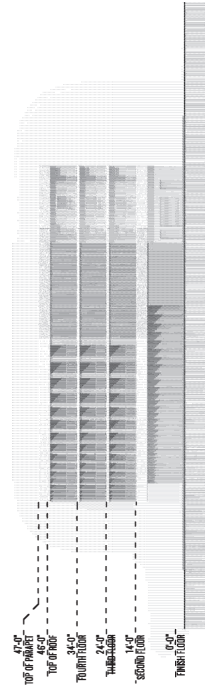
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SCALE 1" = 20'-0"



02 | A4.0C EAST ELEVATION  
SCALE 1" = 20'-0"



03 | A4.0C NORTH ELEVATION  
SCALE 1" = 20'-0"



04 | A4.0C SOUTH ELEVATION  
SCALE 1" = 20'-0"

40TH ST & MCDOWELL  
APN 125-191-0128

© 07/26/2024

A4.0C

COLORED ELEVATIONS

SCALE 1" = 20'



kaiserworks  
915 East Pierce Street  
Phoenix, Arizona 85006  
kaiserworks.com

CITY OF PHOENIX

AUG 07 2024

Planning & Development  
Department

MM: 22-271  
ISSUE: 02/2024  
DATE: 08/07/2024  
08:12:31

**SUPPORT**

March 29, 2024

City of Phoenix, Arizona  
Planning and Development Department  
200 West Washington Street, 3rd Floor  
Phoenix, AZ 85003

Re: Letter of Support for Rezoning Case No. Z-22-24-8 (Rezoning Request  
Located at the Southeast Corner of 40<sup>th</sup> Street and McDowell Road)

Planning and Development Department,

Please accept this letter of support for Rezoning Case No. Z-22-24-8 regarding the proposed PUD multifamily development located at the southeast corner of 40<sup>th</sup> Street and McDowell Road. I live at 4132 E. Almeria Road, Phoenix, AZ, which is located northeast of the proposed PUD rezoning site and multifamily development. I also serve as the vice president of Urban Phoenix Project and as the chair of the Rancho Ventura Haverhood Association. I attended one of the neighborhood meetings for this development and have been in contact with Ben Graff, with Quarles & Brady LLP, who has continued to provide information regarding this rezoning case. I was able to get our questions answered regarding the proposed development and after review of the request, and I am in support of rezoning this property from R1-6 to PUD (Planned Unit Development). I also am grateful for the recent efforts by the current property owner and applicant to clean up this site, as in the recent past it became a serious source of blight and crime that affected the larger neighborhood severely. I would be delighted to see this development move forward as it would not only add a bit of appropriate density, but it would also ensure that the land does not remain vacant and become a problem for the neighborhood again. I urge the City of Phoenix to approve this PUD rezoning request so that the applicant can move forward with this development, which will provide significant improvements to the site as well as much-needed housing in the Phoenix area. Thank you.



Kristin Heggli

March 29, 2024

City of Phoenix, Arizona  
Planning and Development Department  
200 West Washington Street, 3rd Floor  
Phoenix, AZ 85003

Re: Letter of Support for Rezoning Case No. Z-22-24-8 (Rezoning Request Located at the Southeast Corner of 40<sup>th</sup> Street and McDowell Road)

Dear Planning and Development Department,

Please accept this letter of support for Rezoning Case No. Z-22-24-8 regarding the proposed PUD multifamily development located at the Southeast corner of 40<sup>th</sup> Street and McDowell Road. I live at 4132 E. Almeria Road, Phoenix, AZ which is located Northeast of the proposed PUD rezoning site and multifamily development. I attended one of the neighborhood meetings for this development and have been in contact with Ben Graff, with Quarles & Brady LLP, who has continued to provide information regarding this rezoning case. I was able to get our questions answered regarding the proposed development and after review of the request, and I am in support of rezoning this property from R1-6 to PUD (Planned Unit Development). I also am grateful for the recent efforts by the current property owner and applicant to clean up this site, as it was historically a source of blight in our neighborhood. I urge the City of Phoenix to approve this PUD rezoning request so that the applicant can move forward with this development, which will provide significant improvements to the site and much-needed housing in the Phoenix area.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Darryl Moorman', with a stylized flourish extending to the right.

Darryl Moorman

# OPPOSITION



## John Roanhorse

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**From:** wilvalhomes@aol.com  
**Sent:** Wednesday, April 10, 2024 11:22 AM  
**To:** John Roanhorse  
**Cc:** Benjamin.Graff@quarles.com  
**Subject:** Rezoning case Z-22-24-8

Good Morning John

I am the owner of Aztec Vila Apartments at 4001 east McDowell the joining property to proposed development.

As i review the site plan I see hidden in design plan that a partial Abandonment of road with on street parking proposed, I think all parking should be on site, Parking on existing street will result in limited access for Fire ,Life and safety along with flow of traffic.

Please keep me in the loop as to design, zone change, and Abandonment application going forward.

I Look forward to seeing the parcel being developed

### ***AZTEC VILLA LLC***

Roger Nelson Pres.  
Since 1978  
CCB 36402  
PO BOX 760 Wilsonville Oregon 97070  
[Wilvalhomes@aol.com](mailto:Wilvalhomes@aol.com)  
503 678 5205 Office  
503 720 3868 Cell

## John Roanhorse

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**From:** Graff, Benjamin W. <Benjamin.Graff@quarles.com>  
**Sent:** Friday, April 19, 2024 12:39 PM  
**To:** John Roanhorse; wilvalhomes@aol.com  
**Cc:** Jordan, Danielle M.  
**Subject:** RE: 40 th street and McDowell / AZTEC VILLA [QBLLP-ACTIVE.FID42443456]  
**Attachments:** Z-22-24-8 Affidavit of Notification - First Neighborhood Meeting.pdf; Z-22-24-8 Affidavit of Notification - VPC Information Meeting.pdf

Roger,

It was good speaking with you today. Attached are the two affidavits of notification filed with the City of Phoenix, which show the attached letters were mailed to the following address:

AZTEC VILLA LLC  
PO BOX 760  
WILSONVILLE OR USA 97070

We also confirmed the letters were not returned to our office as undeliverable. Please check with your OR PO Box service to make sure you are receiving mail at this address, as this is the formal notification address you have listed with the Maricopa County Assessor's office. As we discussed, since the abandonment application only pertained to a western portion of 40<sup>th</sup> Street which does not abut your land, the City does not require notifications to any property owner except for my Client. All of the right-of-way adjacent to your property remains intact, along with your access drive, and the City has ensured the remaining one-way street meets all City street specifications. You also requested information about how our plans preserve your access and the remaining steps in the abandonment ratification process which follows the Abandonment Hearing Officer's approval of the abandonment. I will follow up with you and provide this information and copy John Roanhorse. Have a great weekend.

Ben



**Benjamin W. Graff | Partner**

[Benjamin.Graff@quarles.com](mailto:Benjamin.Graff@quarles.com) | D. 602-229-5683

Quarles & Brady LLP

One Renaissance Square, Two North Central Avenue, Suite 600, Phoenix, AZ 85004-2322

[BIO \[quarles.com\]](https://www.quarles.com) | [vCard \[quarles.com\]](#) | [quarles.com \[quarles.com\]](https://www.quarles.com) | [LinkedIn \[linkedin.com\]](https://www.linkedin.com/company/quarles)

Zoning and Land Use

Assistant: Amy Gallagher, 602-229-5221

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**From:** John Roanhorse <john.roanhorse@phoenix.gov>  
**Sent:** Friday, April 19, 2024 10:42 AM  
**To:** wilvalhomes@aol.com; Graff, Benjamin W. <Benjamin.Graff@quarles.com>  
**Subject:** RE: 40 th street and McDowell / AZTEC VILLA

Good Morning Mr. Nelson,

Thank you for the message. It has been received. I will include your comments in the staff report and place them in the project file.

I will also follow up with the applicant.

Please let me know if you have any additional questions.

Thank you.

**John Roanhorse**  
**Planner II\* Village**

City of Phoenix Planning and Development Department  
200 West Washington Street, 3rd Floor  
Phoenix, Arizona 85003  
Phone: 602-261-8817  
e-mail: [john.roanhorse@phoenix.gov](mailto:john.roanhorse@phoenix.gov)



PLANNING & DEVELOPMENT  
**PRESERVE  
SHAPE  
BUILD**

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**From:** [wilvalhomes@aol.com](mailto:wilvalhomes@aol.com) <[wilvalhomes@aol.com](mailto:wilvalhomes@aol.com)>  
**Sent:** Friday, April 19, 2024 10:36 AM  
**To:** [benjamin.Graff@quarles.com](mailto:benjamin.Graff@quarles.com)  
**Cc:** John Roanhorse <[john.roanhorse@phoenix.gov](mailto:john.roanhorse@phoenix.gov)>  
**Subject:** 40 th street and McDowell / AZTEC VILLA

Gentleman

As the joining property owner I am concerned with the lack of notice for the redevelopment proposed on 40 th and McDowell. The Zoning application does not reference anything about how much of 40th street is to be abandoned or show my existing access into Aztec Villa .

I was just notified that a street abandonment application has been applied for prior and I have had no notice of any to date , Proper notice is required and without doing so I must adamantly declare I am not in favor of any abandonment going forward until I see how it effects my property .

That being said I was never notified as to a past neighborhood meeting either , With out notifications I also am not in favor of Zoning application and design submitted because it all is tied together.

Best Regards

**Roger Nelson**

Aztec Villa LLC Real Estate Investors

PO Box 760 Wilsonville Oregon 97070  
503 720 3868

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