



## City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

**To:** Alan Stephenson  
Deputy City Manager

**Date:** March 30, 2022

**From:** Joshua Bednarek *JB*  
Planning and Development Deputy Director

**Subject:** ITEM 82 ON THE APRIL 6, 2022 FORMAL AGENDA – PUBLIC HEARING OF Z-19-G-00-5 – AREA GENERALLY BOUNDED BY 91ST AVENUE TO 99TH AVENUE, THOMAS ROAD TO CAMPBELL AVENUE

Item 82 Rezoning Application Z-19-G-00-5, is a major amendment to the Algodon Center Planned Unit Development (PUD) located in the area generally bounded by 91st Avenue to 99th Avenue, Thomas Road to Campbell Avenue to allow single-family and multifamily residential.

The Maryvale Village Planning Committee heard this request on January 12, 2022, and recommended denial by a 6-3 vote. The Planning Commission voted unanimously (8-0) on February 3, 2022, to continue this case to the March 3, 2022 hearing to allow the applicant additional time to make changes to the proposal. The Planning Commission heard the request on March 3, 2022, and recommended approval per the Addendum B Staff Report by a 6-1 vote. The Addendum B Staff Report modified language pertaining to the allowable acreage for single-family residential developments and low-density multifamily residential developments to accommodate a change to the corresponding General Plan Amendment No. GPA-MV-1-21-5 and to add the standard waiver of claims stipulation.

Following the Planning Commission meeting, per the direction from the Council District 5 Office, the applicant evaluated the PUD narrative to determine if additional modifications could be proposed to further restrict residential uses in certain locations within the PUD boundaries. The proposed PUD limits the allowable acreage where low-density residential development can occur by implementing an acreage limit, a unit maximum, and the use must occur on areas designated as Residential on the General Plan Land Use Map. The applicant proposes to modify their concurrent General Plan Amendment request to allow for approximately 22 acres of the subject site to remain designated as Mixed-Use (Commercial/Industrial) on the General Plan Land Use Map. While the current PUD narrative provisions would not permit single-family residential uses on this portion of the subject site, it would still allow for multi-family residential uses. The applicant is proposing to add a provision in the PUD that would prohibit all residential uses at the southeast corner of 99th Avenue and Indian School Road to preserve the site for commercial or employment uses. The proposed change is reflected in Stipulation No. 1.c.

Additionally, Stipulation No. 1.b. was updated to reflect an acreage change with the corresponding General Plan Amendment No. GPA-MV-1-21-5

The recommended stipulations are as follows:

STIPULATIONS:

1. An updated Development Narrative for the Algodón Centre 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 December 29, 2021, as modified by the following stipulations:
  - a. Front cover: Revise the date information on the cover page to add the following:  
  
City Council Adopted: [Add Adoption Date]
  - B. PAGE 9, TABLE 1, RESIDENTIAL USE, BULLET POINT 2: AMEND THE SENTENCE TO READ "A MAXIMUM OF ~~326.75~~ **325.73** GROSS ACRES OF THE TOTAL GROSS SITE AREA OF THE PUD SHALL BE USED FOR RESIDENTIAL USES OF LESS THAN 20 DU/AC."
  - C. **PAGE 9, TABLE 1, RESIDENTIAL USE, ADD BULLET POINT 4: THERE SHALL BE NO RESIDENTIAL USES PERMITTED AT THE IMMEDIATE SOUTHEAST CORNER OF 99TH AVENUE AND INDIAN SCHOOL ROAD DESIGNATED AS MIXED-USE (COMMERCIAL/INDUSTRIAL) ON THE GENERAL PLAN LAND USE MAP.**
  - e. d. Page 15, Table 3A, Streetscape Section, Item 1: Rename section to "Landscape Setback" and delete "measured from back of curb" from first sentence.
  - d. e. Page 15, Table 3A, Low Density Residential Sidewalks Section: Update the first sentence to read "For any residential parcel where density is less than 20 dwelling units per gross acres, sidewalks shall be a minimum of five feet wide, and shall be separated from the curb per the requirements of the Street Classification Map with a minimum five foot wide landscape strip.
  - e. f. Page 17, Table 3B, Streetscape Section, Item 1: Rename section to "Landscape Setback", delete "measured from back of curb" from first sentence AND ADD "PERIMETER" BEFORE "PUBLIC AND PRIVATE STREET FRONTAGES".
  - f. g. Page 17, Table 3B, Streetscape Section, Item 2, Bullet Point 1: Add "and utility easements" after "utilities" in first sentence.

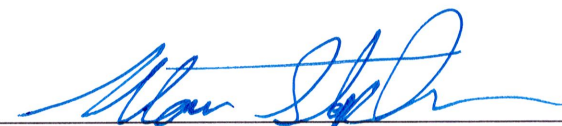


- ~~g.~~ h. Page 17, Table 3B, Streetscape Section, Item 2, Bullet Point 2: Add “and utility easements” after “utilities” in first sentence.
  - ~~h.~~ i. Page 18, Table 3B, Perimeter Adjacent to Loop 101 Section, Item 2, Bullet Point 1: Add “and utility easements” after “utilities” in first sentence.
  - ~~i.~~ j. Page 18, Table 3B, Perimeter Adjacent to Loop 101 Section, Item 2, Bullet Point 2: Add “and utility easements” after “utilities” in first sentence.
2. The developer shall dedicate right-of-way and ensure bus stop pad(s) at the following locations, with final siting to be approved by the Public Transit Department:
    - a. Northbound 99th Avenue north of the Earl Drive alignment.
    - b. Northbound 99th Avenue north of the Osborn Road alignment.
    - c. Northbound 99th Avenue north of the Clarendon Avenue alignment.
    - d. Northbound 99th Avenue north of the Glenrosa Avenue alignment.
    - e. Southbound 91st Avenue south of Osborn Road alignment.
    - f. Southbound 91st Avenue south of Cheery Lynn Road alignment.
    - g. Westbound Thomas Road at approximately 9700 West Thomas Road.
  3. Bus stop pads shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. Bus stop pad shall be spaced from the intersection according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide 50% shade coverage to bus stop pad at full maturity.
  4. The developer shall dedicate right-of-way and ensure bus bay with bus stop pad at the following locations, final siting to be approved by the Public Transit Department:
    - a. Northbound 99th Avenue north of Thomas Road.
    - b. Northbound 99th Avenue north of Indian School Road.
  5. Bus bays shall be constructed according to City of Phoenix Standard Detail P1256; attached bus stop pad shall be constructed according to City of Phoenix Standard Detail P1261 with a minimum depth of 10 feet. Bus bay and attached bus stop pad shall be spaced from the intersections according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide 50% shade coverage to bus stop pad at full maturity.
  6. Where pedestrian pathways cross drive aisles FOR MULTIFAMILY RESIDENTIAL AND COMMERCIAL DEVELOPMENTS, they shall be constructed of decorative pavers, stamped or colored concrete, or other

pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces, as approved by the Planning and Development Department.

7. Clearly defined, accessible pedestrian pathways shall be provided to connect building entrances, bus stop, and public sidewalks, using the most direct route for pedestrians, as approved by the Planning and Development Department.
8. An updated Master Street Plan showing all public arterial and collector streets shall be submitted to the Street Transportation Department and Planning and Development Department for review and approval, prior to preliminary site plan approval.
9. The Developer shall submit an updated Traffic Impact Study to the Street Transportation Department prior to preliminary site plan approval for the first phase of development permitted by Amendment G of the Algodón PUD. No preliminary approval of plans shall be granted until the study is reviewed and approved. The applicant shall be responsible for any dedications and required improvements as recommended by the approved study and as approved by the Planning and Development and Street Transportation Department.
10. The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to Mr. Alan Hilty, (602)262-6193, with the Street Transportation Department. This form is a requirement of the EPA to meet clean air quality requirements.
11. 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.
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 IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. 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.

Approved: \_\_\_\_\_

  
Alan Stephenson, Deputy City Manager