Attachment B



Staff Report Z-66-22-8

December 2, 2022

<u>Camelback East Village Planning</u> <u>Committee</u> Meeting Date	December 6, 2022	
Planning Commission Hearing Date	January 5, 2023	
Request From:	<u>C-1</u> (Neighborhood Retail) (1.43 acres)	
Request To:	<u>C-1</u> <u>DNS/WVR</u> (Neighborhood Retail, Density Waiver) (1.43 acres)	
Proposed Use:	Multifamily residential with a density waiver	
Location:	Northwest corner of 37th Street and McDowell Road	
Owner/Applicant:	3644 Atrium Lofts, LLC	
Representative:	Ashley Z. Marsh, Gammage & Burnham, PLC	
Staff Recommendation:	Approval, subject to stipulations	

General Plan Conformity

General Plan Land Use Map Designation		Residential 15+ dv	welling units per acre
Street Map	37th Street	Minor Collector	30-foot west half street
Classification	McDowell Road	Arterial	40-foot north half street

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

The proposal will allow the addition of two dwelling units to an existing multifamily residential development. The request is a reasonable level of intensity which is respectful to local conditions.

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 of 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.

If the site is redeveloped in the future, it will be required to provide detached sidewalks along 37th 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

Housing Phoenix Plan – See Background Item No. 5.

Tree and Shade Master Plan – See Background Item No. 6.

Complete Streets Guiding Principles – See Background Item No. 7.

Comprehensive Bicycle Master Plan – See Background Item No. 8.

Zero Waste PHX - See Background Item No. 9.

Surrounding Land Uses/Zoning			
	Land Use	<u>Zoning</u>	
On Site	Multifamily residential	C-1	
North	Single-family residential	R1-6	
South (across McDowell Road)	Multifamily residential	R-4A, R-3A	
East (across 47th Street)	Multifamily residential	R-5	
West	Offices	C-2	

C-1 DNS/WVR (Using R-3A Development Standards – Planned Residential Development Option)					
<u>Standards</u>	<u>Requirements</u>	Provisions on the Proposed Site Plan			
Gross Acreage	-	1.43 acres			
Total Number of Units	33, 38 with bonus	24 (Met)			
Dwelling Unit density (units/gross acre)	23.1; 26.4 with bonus	16.78 (Met)			
Lot Coverage	45% Maximum	30.5% (Met)			
Maximum Building Height	3 stories or 40 feet for 150 feet; 1 foot in 5 feet increase to 48 feet, 4-story maximum	30 feet (Met)			
Minimum Building Setbacks	Front, East, 36th Street: 20 feet	21 feet (Met)			
	South, McDowell Road: 20 feet	14 feet* (Not Met)			
	North: 15 feet	21 feet (Met)			
	Rear, West: 15 feet	55 feet (Met)			
Minimum Landscape Setbacks	Front, East, 36th Street: 20 feet	20 feet (Met)			
	South, McDowell Road: 20 feet	14 feet* (Not Met)			
	North: 5 feet	5 feet (Met)			
	Rear, West: 5 feet	5 feet (Met)			
Minimum common area/open space	5%	9% (Met)			
Minimum Parking Requirements	36 spaces 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.	45 (Met)			

*Variance or site plan modification required

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Background/Issues/Analysis

SUBJECT SITE

This request is to rezone 1.43 acres 1 located at the northwest corner of 37th Street and McDowell Road from C-1 (Neighborhood Retail) to C-1 DNS/WVR (Neighborhood Retail, Density Waiver) to allow multifamily residential with a density waiver. The site is currently a multifamily residential development, and this request is to add two additional units to the existing building.



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

2. The subject site as well as the surrounding area to the south, east and west are designated Residential 15+ dwelling units per acre on the General Plan Land Use Map. A portion of the site to the south is also designated as Commercial. To the north is designated as Residential 3.5 to 5 dwelling units per acre. The requested density waiver is consistent with the General Plan Land Use Map designation and compatible with Planning and Development Department Land Use Map designations in the surrounding area.



General Plan Land Use Map, Source: City of Phoenix

EXISTING CONDITIONS & SURROUNDING ZONING

A multifamily residential community exists on the subject site and was recently 3. converted from an office building. This request proposes no changes to the existing conditions of the subject site, which is zoned C-1. The request to rezone the site for a density waiver (C-1 DNS/WVR) to add two additional units within the building is consistent with the surrounding zoning and land uses.

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Aerial Images, Source: Google Maps

South of the subject site, across McDowell Road, is a multifamily residential community zoned R-4A (Multifamily Residence District) and R-3A. To the east, across 37th Street, is a multifamily residential community zoned R-5. To the west is also a multifamily residential community zoned R-4. To the north are single-family residences zoned R1-6 (Single-Family Residence District).

PROPOSAL

4. The conceptual site plan, attached as an exhibit, depicts a conversion of existing unused space within the building to two dwelling units. The changes proposed are internal to the existing building.

Staff does not recommend general conformance to the proposed site plan provided as variances were obtained when the building was converted to a multifamily residential use. However, to ensure the existing building elevations remain as currently constructed, staff recommends general conformance to the elevations per Stipulation No. 1. To ensure a buffer between the single-family residences to the north, staff recommends a minimum 50-foot building setback from the north property line, which is currently provided on site. This is addressed in Stipulation No. 2.

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. 3 requires a 10-foot-wide sidewalk easement on McDowell Road
- Stipulation No. 4 requires a detached sidewalk along McDowell Road
- Stipulation No. 5 requires a detached sidewalk along 37th Street
- Stipulation No. 7 requires that any required street improvements comply with City and ADA guidelines.

PLANS, OVERLAYS, AND INITIATIVES

5. 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

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> 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 adding housing units on the subject site.

6. 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. In the event the site redevelops, detached sidewalks will be provided along both street frontages, and the detached area will be planted per the requirements of the Phoenix Zoning Ordinance. This is addressed in Stipulation Nos. 4 and 5.

7. 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 37th Street and McDowell Road if the use is expanded in the future.

8. 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. This is addressed in Stipulation No. 6.

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. Section 716 of the Phoenix Zoning Ordinance stablishes standards to encourage the provision of recycling containers for multifamily, commercial and mixed-use developments meeting certain criteria. A recycling

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receptable will be provided on site.

COMMUNITY INPUT SUMMARY

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

INTERDEPARTMENTAL COMMENTS

11. Water Services Department

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

12. Street Transportation Department

The Street Transportation Street Transportation Department has requested a sidewalk easement along McDowell Road, detached sidewalks on McDowell Road and 37th Street, bicycle parking requirements, and that the streets be constructed with all required elements and to ADA requirements. This is addressed in Stipulation Nos. 3 through 7.

OTHER

- 13. 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. This request is addressed in Stipulation No. 8.
- 14. The site has not been identified as being archaeologically sensitive. However, in the event archaeological materials are encountered during construction, all ground disturbing activities must cease within 33-feet 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 9.
- 15. 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. 10.
- 16. 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.

<u>Findings</u>

1. The proposed density waiver is consistent with the General Plan Land Use Map

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designation and with surrounding land uses.

- 2. The proposal will allow the continued operation of an existing multifamily development and provides additional housing options 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 development shall be in general conformance with the elevations date stamped September 15, 2022 as approved by the Planning and Development Department.
- 2. A minimum building setback of 50 feet from the north property line 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 September 15, 2022, the developer shall dedicate a 10-foot-wide sidewalk easement for the north side of McDowell Road, as approved by the Planning and Development Department.
- 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 September 15, 2022, the developer shall construct a minimum 6-foot-wide detached sidewalk and minimum 10-foot-wide landscape strip located between the back of curb and sidewalk along the north side of McDowell Road, as approved by the Planning and Development Department.
- 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 September 15, 2022, the developer shall construct a minimum 5-foot-wide detached sidewalk and minimum 5-foot-wide landscape strip located between the back of curb and sidewalk along the west side of 37th Street, as approved by the Planning and Development Department.
- 6. The developer shall provide resident secured bicycle parking as required by Chapter 13, Section 1307.H of the Zoning Ordinance, as approved by the Planning and Development Department.
- 7. Upon complete redevelopment or development that increases the cumulative floor area by more than 15% from that depicted on the site

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plan date stamped September 15, 2022, 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.

- 8. The property owner shall record documents that disclose the existence, and operational characteristics of the 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. 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.
- 10. 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.

<u>Writer</u>

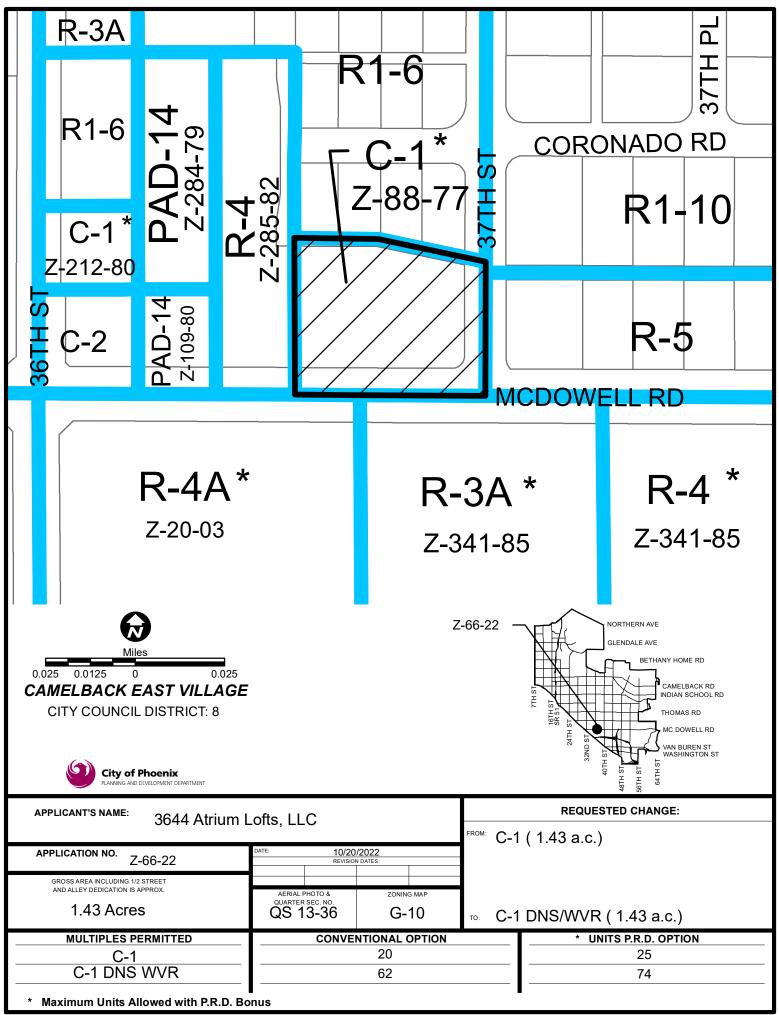
Sarah Stockham December 2, 2022

Team Leader

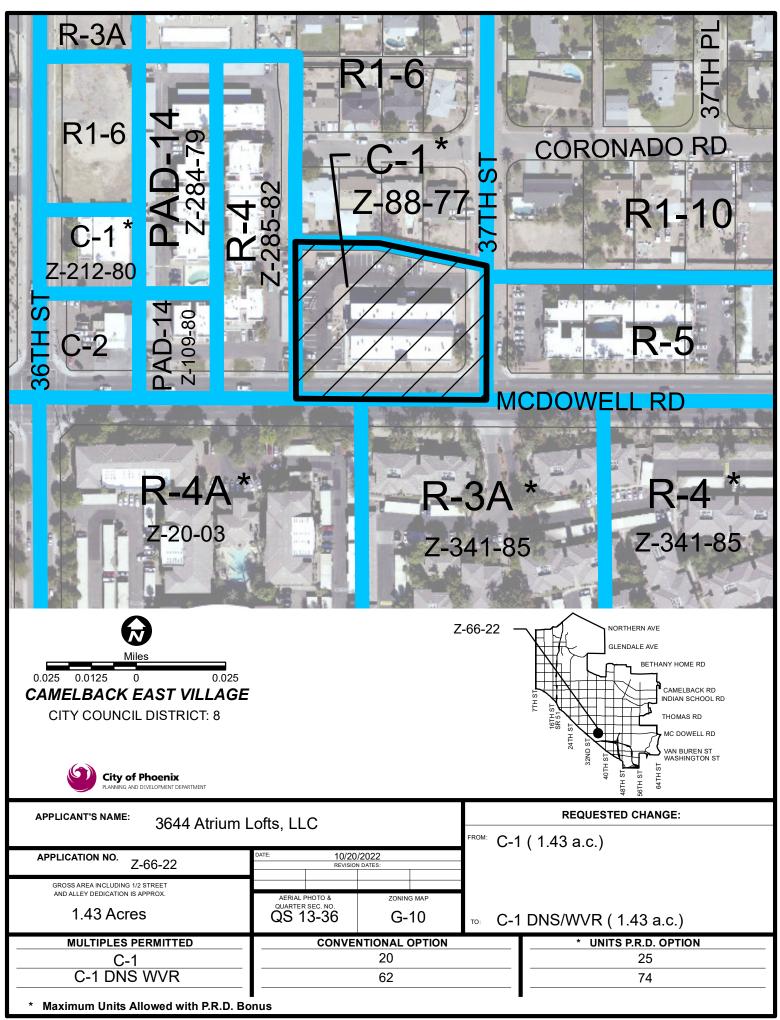
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<u>Exhibits</u>

Sketch map Aerial map Site map date stamped September 15, 2022 Elevations date stamped September 15, 2022



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