

## ATTACHMENT B



### City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

#### Staff Report Z-17-23-5 (Zen @ McDowell PUD) April 30, 2024

**Maryvale [Village Planning Committee Meeting](#) Date:** May 8, 2024  
**[Planning Commission](#) Hearing Date:** June 6, 2024

**Request From:** [PSC](#) (Planned Shopping Center) (4.02 acres)  
**Request To:** [PUD](#) (Planned Unit Development) (4.02 acres)  
**Proposal:** Planned Unit Development to allow residential and limited commercial uses per WU Code T4:3  
**Location:** Northwest corner of 81st Avenue and McDowell Road  
**Owner:** Taras Holding, LLC  
**Applicant:** Zen Investing, LLC  
**Representative:** Adam Baugh, Withey Morris Baugh, PLC  
**Staff Recommendation:** Approval, subject to stipulations

<a href="#">General Plan Conformity</a>			
<a href="#">General Plan Land Use Map Designation</a>		Commercial, Maryvale Village Core	
<a href="#">Street Map Classification</a>	McDowell Road	Arterial Street	65-foot north half street
	81st Avenue	Local Street	25-foot to 33-foot west half street
<p><b>CONNECT PEOPLE AND PLACES CORE VALUE; CORES, CENTERS &amp; CORRIDORS; LAND USE PRINCIPLE: Locate land uses with the greatest height and most intense uses within village cores, centers and corridors based on village character, land use needs, and transportation system capacity.</b></p> <p>The proposed PUD, located within the Maryvale Village Core, incorporates standards from the Walkable Urban Code to create a pedestrian friendly environment and will provide housing near a future light rail station.</p>			

**CONNECT PEOPLE AND PLACES CORE VALUE; TRANSIT ORIENTED DEVELOPMENT; LAND USE PRINCIPLE: *Develop land use and design regulations governing land close to transit centers and light rail stations, to maximize the potential for ridership.***

The PUD proposes housing approximately a quarter mile from the proposed light rail station at 79th Avenue and Interstate 10 which will contribute to future ridership.

**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 PUD Narrative and as stipulated provides standards for detached sidewalks and shade trees along 81st Avenue and McDowell Road. This will reduce the urban heat island effect while also improving thermal comfort to site users and the surrounding neighborhood.

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

[Transit Oriented Development Strategic Policy Framework](#): Background Item No. 18.

[Maryvale Core Plan](#): Background Item No. 19.

[Housing Phoenix Plan](#): Background Item No. 20.

[Complete Streets Guiding Principles](#): Background Item No. 21.

[Comprehensive Bicycle Master Plan](#): Background 22.

[Tree and Shade Master Plan](#): Background Item No. 23.

[Zero Waste PHX](#): Background Item No. 24.

[Transportation Electrification Action Plan](#): Background Item No. 25.

[Conservation Measures for New Development](#): Background Item No. 26.

Surrounding Land Uses/Zoning		
	Land Use	Zoning
On Site	Agricultural land	PSC
North	Vacant, overflow parking area	R-3A SP
South (across McDowell Road)	Multifamily residential	R-3
East	Vacant land, proposed single-family residential	R1-6
West	Agricultural land	PSC

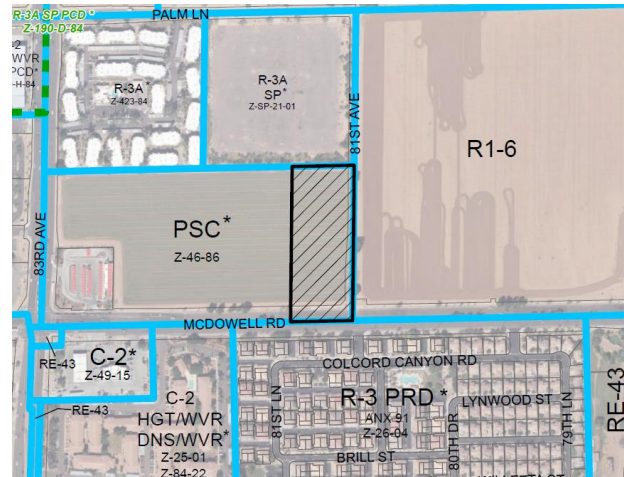
### **Background/Issues/Analysis**

#### **SUBJECT SITE**

1. This request is to rezone 4.02 acres located at the northwest corner of 81st Avenue and McDowell Road from PSC (Planned Shopping Center) to PUD (Planned Unit Development) to allow residential and limited commercial uses per WU Code T4:3. The proposal is for 62 townhomes.

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

2. The property to the north is overflow parking for an amphitheater zoned R-3A SP (Multifamily Residence District, Special Permit). To the east is vacant land zoned R1-6 (Single-Family Residence District), planned for single-family residential. To the south, across McDowell Road, are residential condominiums zoned R-3 (Multifamily Residence). To the west is agricultural land zoned PSC (Planned Shopping Center).





The requested PUD zoning is consistent with the existing General Plan Land Use Map designation.

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

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. Below is a summary of the proposed standards for the subject site as described in the attached PUD Development Narrative date stamped April 19, 2024. The proposed standards were designed to promote many of the Walkable Urban Code standards.
- 6. List of Uses  
The Development Narrative lists the permitted uses as those identified in Section 1306, T4 standards of the Phoenix Zoning Ordinance.
- 7. Development Standards  
The PUD development narrative proposes development standards consistent with Walkable Urban Code Transect 4:3, with some modifications:

Development Standards	
Building Height	40 foot maximum
Density	No maximum
Lot Requirements	
Lot Coverage	70% maximum
Primary Building Frontage (McDowell Road)	60% minimum

Secondary Building Frontage (81st Avenue)	Porch, patio, stoop, forecourt or alternative frontages per Section 1305.B.1.c will be provided for the units which front 81st Avenue between 107 feet to 327 feet measured from the south property line.
Public Open Space	1% minimum
Common Open Space	12% minimum
<b>Building Setbacks</b>	
Primary Frontage (McDowell Road)	21 feet maximum
Secondary Frontage (81st Avenue)	42 feet maximum, including the following: <ul style="list-style-type: none"> <li>• 28% of the 81st Avenue frontage should be a maximum setback of 8 feet</li> <li>• 35% of the 81st Avenue frontage should be a maximum setback of 16 feet</li> </ul>
Side Lot Line	0-foot minimum
Rear Lot Line	0-foot minimum

The PUD requests flexibility in the open space requirements, it provides additional common open space, but less public open space than the Ordinance requirements. It also provides a greater primary frontage building setback along McDowell Road and along the secondary frontage of 81st Avenue.

8. **Parking**

The vehicle parking for the development will be as follows:

<b>Parking Calculations</b>	
Minimum Vehicle Parking, Residential	1.3 spaces per efficiency unit 1.5 spaces per 1 or 2 bedroom units 2 spaces per 3 bedroom or more unit 1 space per unit of less than 600 square feet regardless of number of bedroom  An additional 0.25 unreserved space per dwelling unit must be provided elsewhere within the development for

	visitor parking
EV Parking	EV Ready infrastructure shall be provided in the garages of each unit

9. **Landscape Standards**

The PUD proposes landscape shall comply with the Walkable Urban Code Section 1309: Landscape Standards.

10. **Streetscape Standards**

The PUD proposes a detached sidewalk with shade trees along McDowell Road. Stipulation No. 1.c requires a detached sidewalk along 81st Avenue with shade trees between the curb and sidewalk.

11. **Amenities**

The PUD proposes a minimum of five amenities which are listed in the Narrative, ranging from a community garden, resident pool, dog park, lawn games, to a tot lot playground.

12. **Design Guidelines**

The PUD Narrative notes the architectural design will have enhanced standards for elements such as entries to each unit, entry courtyard and rear patios will be covered by an awning, multiple building materials, a minimum of three colors for the facade, and four-sided architecture for each elevation.

13. **Shade**

The Development Narrative requires public sidewalks to have a minimum of 75 percent shade at tree maturity.

14. **Pedestrian Design**

The PUD Narrative states pedestrian pathways that cross over parking lot surfaces shall feature enhanced surfacing materials that visually contrast with the adjacent parking and drive aisle surfaces.

15. **Public Open Space/Paseo**

The proposal requires art, such as a sculpture, artistic shade structures or murals to be incorporated within the open space area at 81st Avenue and McDowell Road.

16. **Green Infrastructure**

The Development Narrative requires a minimum of two green infrastructure techniques for stormwater management be implemented. These techniques shall be per the Greater Phoenix Metro Green Infrastructure and Low-Impact Development Details for Alternative Stormwater Management.

17. **Signs**

The PUD proposes signs to comply with Section 1308, per the Transect 4:3 standards, in the Phoenix Zoning Ordinance.

## AREA PLANS, OVERLAY DISTRICT, AND INITIATIVES

### 18. [Transit Oriented Development Strategic Policy Framework](#)

The Transit Oriented Development Strategic Policy Framework, originally adopted in 2013, and later amended in 2016 and 2018, identifies policies and place types that are designed to shape walkable and mixed-use environments and focus redevelopment within a quarter mile of high capacity transit stations. The subject line is about a quarter mile from the proposed station at 79th Avenue and Interstate 10. The identified environment for the 79th Avenue/ Interstate 10 station area is Suburban Commuter Center. A Suburban Commuter Center is a place type characterized by medium to low intensity uses, with building heights typically from two to four stories, with incentive heights of up to seven stories. Land uses may include mid-rise office, hotel, commuter serving retail and limited housing such as apartments and live/work. The utilization of the Walkable Urban Code for the framework for the PUD is consistent with the policies of the TOD Strategic Policy Framework.

### 19. [Maryvale Core Plan](#)

The Maryvale Village Core Plan, adopted in 2012 (GPA-MV-2-11-7), is intended promote a more urban environment conducive to TOD with mixed-use multifamily over retail and offices, markets, community services, public open spaces, and a smaller block pattern to contribute to a more comfortable pedestrian landscape. The subject site is designated as an Area for Change. Areas of Change are areas where the community supports more substantial redevelopment, and it is considered a Minor – Walkable Suburban Center place type. This place type is envisioned to be a suburban neighborhood destination designed for greater pedestrian convenience, safety, and comfort.

The Core Plan identifies 81st Avenue as a Walkable Local Street, as Walkable Local is designated for streets within the Walkable Suburban Place Type. This Street Type is distinguished by its function as a pedestrian-oriented, low activity neighborhood street. This Street Type is designed to carry low traffic volumes at low speeds. One travel lane is provided in each direction and wide enough to allow on-street parking. Detached sidewalks lined with tree rows and infrequent driveway crossings are typical and bicycle lanes are not provided.

Mobility Policy B.5. requires appropriately spaced street trees in order to provide additional shading and buffers between sidewalks and vehicle travel lanes.

Stipulation No. 1.c requires a detached sidewalk along 81st Avenue to ensure walkability of this local street in compliance with the Maryvale Village Core Plan the Walkable Suburban Street Type standards, and the Complete Street Guiding Principles.

### 20. [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 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 contributing to a variety housing types that will address the supply shortage at a more rapid pace while using underutilized land in a more sustainable fashion. The PUD proposes 62 new housing units which add to the diversity of housing stock within the Maryvale Village.

21. **[Complete Streets Guiding Principles](#)**

In 2014, the Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, and connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. Detached sidewalks will be provided along McDowell Road and as stipulated, 81st Avenue, to promote a safe pedestrian atmosphere. The Development Narrative requires that pedestrian pathways will be provided to allow safe and convenient ways to get to the open space amenity areas and the sidewalks within the right-of-way.

22. **[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 Development Narrative identifies bicycle storage and bicycle repair station as optional indoor amenities and will provide bicycle parking per the Walkable Urban Code standards.

23. **[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. In addition, a vision in the master plan is to raise awareness by leading by example. The Development Narrative requires a minimum of 75 percent shade on all adjacent public sidewalks, in addition to larger tree sizes. These standards are consistent with the Walkable Urban Code standards.

24. **[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 promotes trash and recycling collection on site.



25. **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. This is addressed in the PUD Narrative with garages for each residential unit having EV ready infrastructure.

26. **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 under the city enforceable standards of the Sustainability Section.

COMMUNITY INPUT SUMMARY

27. As of the writing of this report, staff has not received letters of support or opposition to this rezoning application.

INTERDEPARTMENTAL COMMENTS

28. The Fire Department states the site and/or building(s) shall comply with the 2028 IFC with Phoenix Amendments. It also indicates:
- Access and dead-ends have been addressed.
  - There are locations where rolled curbs will be necessary.
  - Gates will require permits.
  - Alternative surface requirements may apply where landscaped areas are planned to be driven over.
  - Turning radius of fire apparatus access road shall meet minimum requirements on curves.
  - Water supply is required to meet fire flow as defined by Appendix B of the 2028 IFC with Phoenix Amendments.
29. The Street Transportation Department requires the following:

- A maximum of two vehicular access points along 81st Avenue. The Street Transportation Department also requires:
- Relocation of the median nose west of the 81st Avenue centerline and relocating the left turn taper and storage accordingly may still be required and shall be determined by the Street Transportation Department in the development review.
- The irrigation facilities along McDowell Road are to be relocated outside of City right-of-way, unless otherwise approved by the Street Transportation Department. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and or civil plan review approval.
- Existing streetscape beginning at back of curb shall be replenished with general landscaping and trees along McDowell Road.
- All streets within and adjacent to the development shall be constructed with improvements and incidentals which shall meet city and ADA accessibility standards.
- An enhanced pedestrian connection shall be provided on the western site boundary to allow for direct pedestrian access to the adjacent future commercial development.
- An enhanced pedestrian connection shall be provided on the southern site boundary to allow for direct pedestrian access to the adjacent transit stop.

These Street Transportation Department requirements are addressed in Stipulation Nos. 2 through 8.

30. The Public Transit Department requires a dedication of right-of-way and construction of a bus stop pad on westbound McDowell Road and that the bus stop to be shaded. These requirements are identified in Stipulation No. 9.
31. The Aviation Department requires the property owner to record documents that disclose the existence and operational characteristics of the Glendale Airport. This is addressed in Stipulation No. 11.

#### OTHER

32. 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. 12 through 14.

33. 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 15.
34. Development and use of the site are 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.
2. The proposed development, as stipulated, contains enhanced standards that will result in a more walkable, shaded and pedestrian-friendly environment. The development will provide increased shade which will help to reduce the urban heat island effect.
3. The proposal will provide housing within close proximity to a future light rail station.

### **Stipulations**

1. An updated Development Narrative for the Zen @ McDowell PUD reflecting the changes approved through this request shall be submitted to the Planning Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative date stamped April 19, 2024, as modified by the following stipulations:
  - a. Update the cover page with the City Council adoption date.
  - b. Page 11, Development Standards table, Maximum Building Setbacks, Secondary Frontage (81st Avenue): Revise both bullet points to change each instance of "should" to "shall".
  - c. Page 12 - 13, Streetscape Standards table, 81st Avenue: Revise first sentence of the 81st Avenue standard to state "Landscape strip located between back of curb and sidewalk will include a 5-foot landscape strip along 81st Avenue" and revise the second sentence to state "Landscape

strip planting standards:"

2. The developer shall modify the median on McDowell Road to accommodate the eastbound to northbound left turn on 81st Avenue, as approved by the Street Transportation Department.
3. The existing irrigation facilities along McDowell Road are to be relocated outside of City right-of-way, unless otherwise approved by the Street Transportation Department. Contact SRP to identify existing land rights and establish the appropriate process to relocate the facility. Relocations that require additional dedications or land transfer require completion prior to obtaining plat and/or civil plan review approval.
4. The existing streetscape beginning at the back of curb shall be replenished with general landscaping and trees along McDowell Road, as approved by the Planning and Development Department.
5. 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.
6. An enhanced pedestrian connection shall be provided on the western site boundary to allow for direct pedestrian access to the adjacent future commercial development.
7. An enhanced pedestrian connection shall be provided on the southern site boundary to allow for direct pedestrian access to the adjacent transit stop.
8. The development shall be limited to no more than two vehicular access points to 81st Avenue.
9. The developer shall dedicate right-of-way and construct a bus stop pad on westbound McDowell Road. The bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. The bus stop pad shall be spaced from 81st Avenue according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide 50 percent shade coverage to the bus stop pad.
11. The property owner shall record documents that disclose the existence and operational characteristics of Glendale Municipal 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.
12. 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.

13. 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.
14. 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.
15. 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**

Matteo Moric

April 30, 2024

**Team Leader**

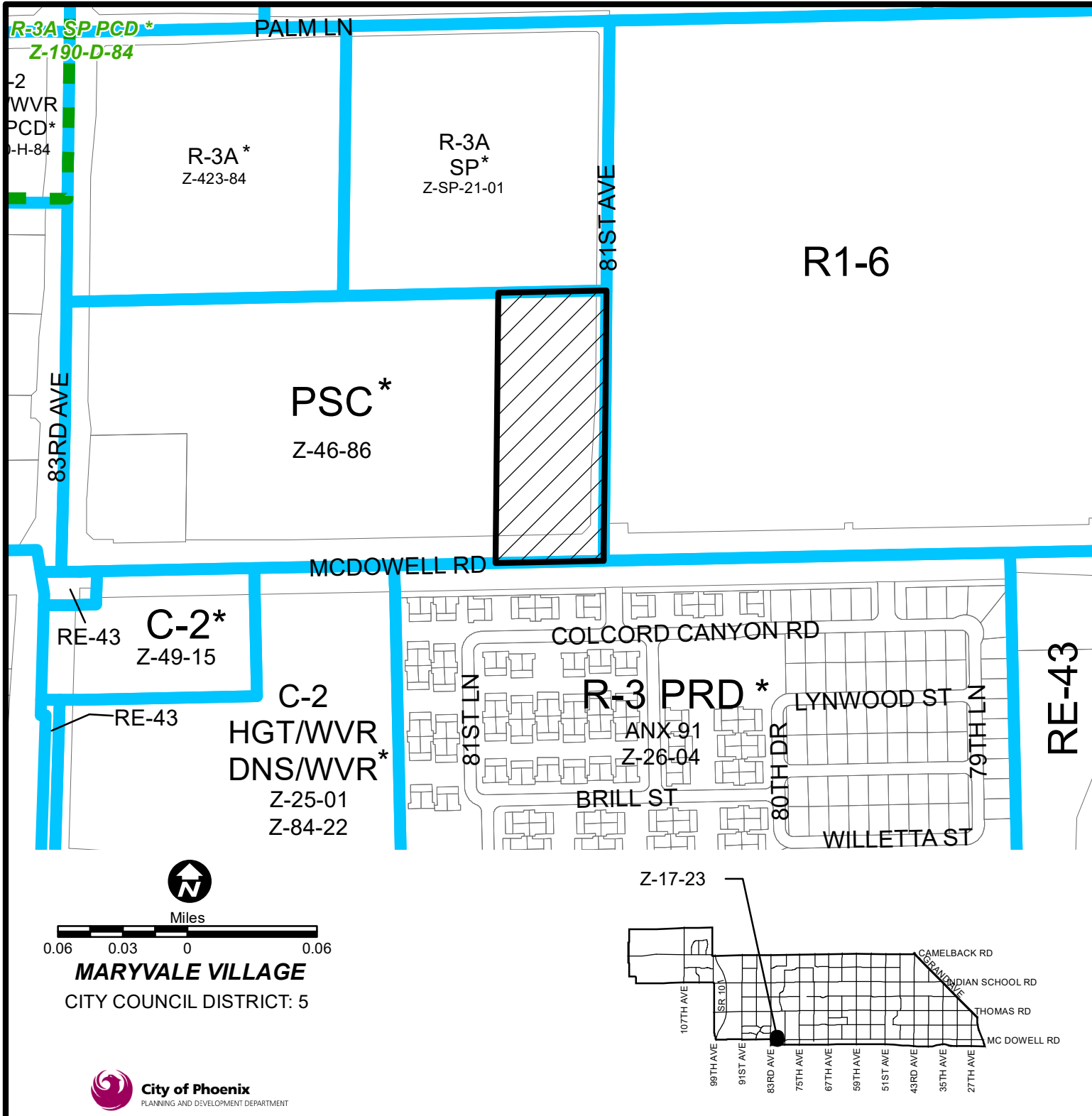
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**Exhibits**

Sketch Map

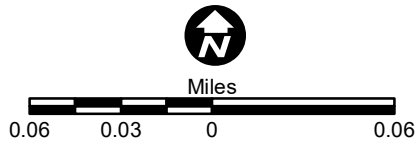
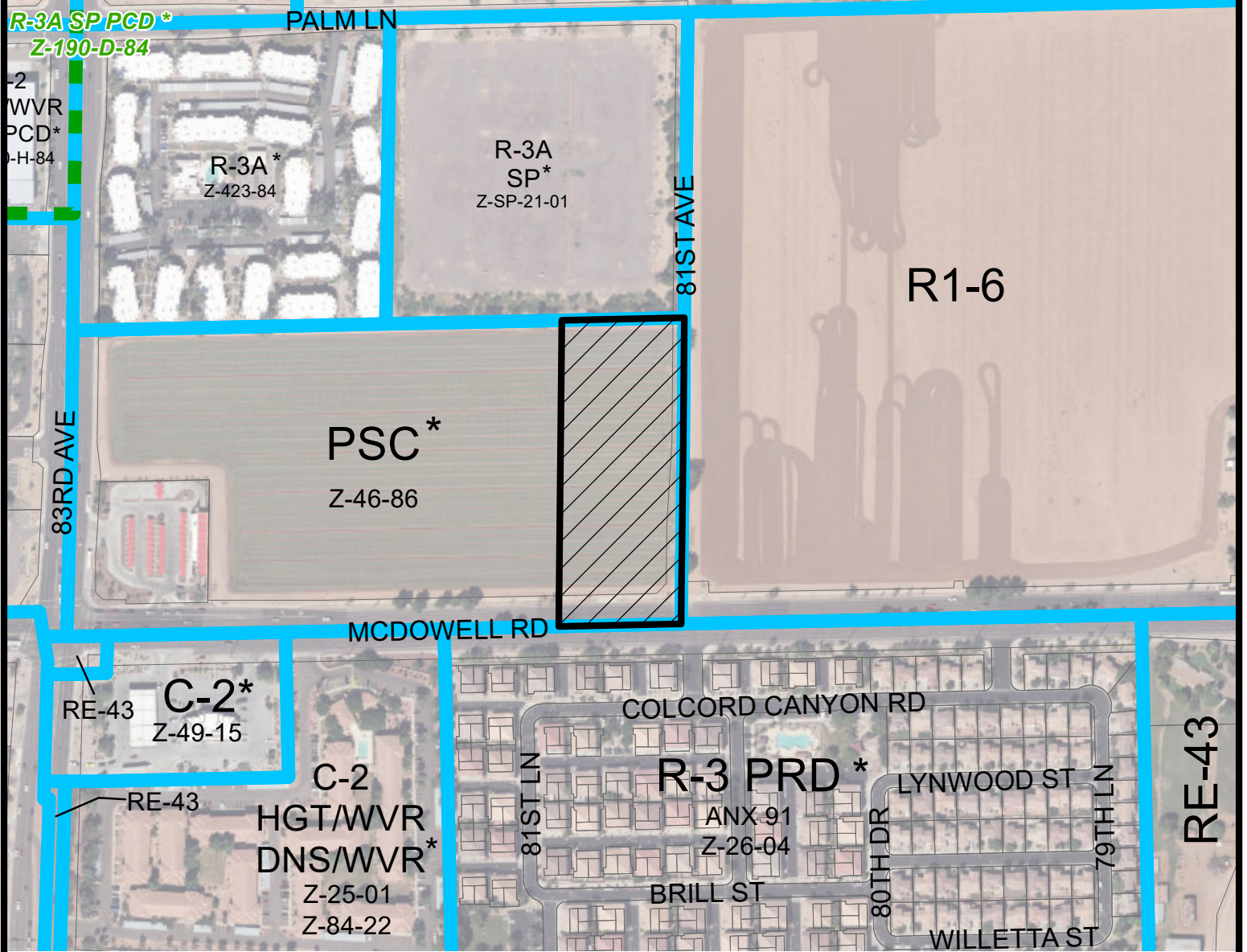
Aerial Map

[Zen @ McDowell PUD](#) date stamped April 19, 2024

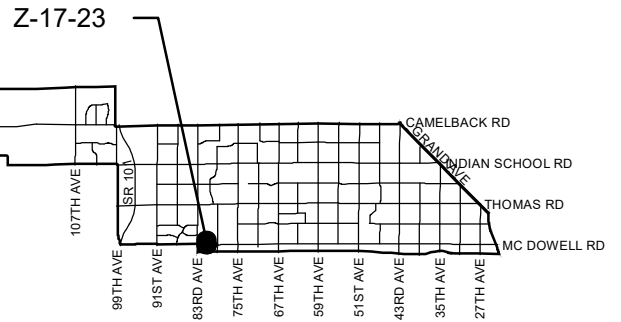


<b>APPLICANT'S NAME:</b> Zen Investing, LLC		<b>REQUESTED CHANGE:</b>	
<b>APPLICATION NO.</b> Z-17-23	<b>DATE:</b> 3/22/2023 <b>REVISION DATES:</b> 03/12/2024	<b>FROM:</b> PSC ( 4.02 a.c.)	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.  <b>4.02 Acres</b>	<b>AERIAL PHOTO &amp; QUARTER SEC. NO.</b> QS 13-9 <b>ZONING MAP</b> G-3	<b>TO:</b> PUD ( 4.02 a.c.)	
<b>MULTIPLES PERMITTED</b> PSC PUD	<b>CONVENTIONAL OPTION</b> N/A No Maximum	<b>* UNITS P.R.D. OPTION</b> N/A N/A	

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



**MARYVALE VILLAGE**  
CITY COUNCIL DISTRICT: 5



<b>APPLICANT'S NAME:</b> Zen Investing, LLC		<b>REQUESTED CHANGE:</b>	
<b>APPLICATION NO.</b> Z-17-23	<b>DATE:</b> 3/22/2023 <b>REVISION DATES:</b> 03/12/2024	<b>FROM:</b> PSC ( 4.02 a.c.)	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. <b>4.02 Acres</b>	<b>AERIAL PHOTO &amp; QUARTER SEC. NO.</b> QS 13-9 <b>ZONING MAP</b> G-3	<b>TO:</b> PUD ( 4.02 a.c.)	
<b>MULTIPLES PERMITTED</b> PSC PUD	<b>CONVENTIONAL OPTION</b> N/A No Maximum	<b>* UNITS P.R.D. OPTION</b> N/A N/A	

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