

## ATTACHMENT D

### REPORT OF PLANNING COMMISSION ACTION June 6, 2024

ITEM NO: 10	
	DISTRICT NO.: 5
SUBJECT:	
Application #:	Z-17-23-5 (Zen @ McDowell PUD)
Location:	Northwest corner of 81st Avenue and McDowell Road
From:	PSC
To:	PUD
Acreage:	4.02
Proposal:	PUD (Planned Unit Development) to allow residential and limited commercial uses per WU Code T4:3
Applicant:	Zen Investing, LLC
Owner:	Taras Holding, LLC
Representative:	Adam Baugh, Withey Morris Baugh, PLC

#### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Maryvale** 3/13/2024 Information only.

**Maryvale** 5/8/2024 No quorum.

Planning Commission Recommendation: Approval, per the staff recommendation, with modifications, a deletion, and an additional stipulation.

#### Motion Discussion:

During the applicant's presentation they requested modifications to Stipulation No. 1.c regarding a detached sidewalk and Stipulation No. 8 regarding the number of access points to 81st Avenue, and a deletion of Stipulation No. 3 regarding relocation of irrigation along McDowell Road.

Staff explained that they were not supportive of the requested changes.

Commissioner Matthews made a MOTION to approve Z-17-23-5, per the staff recommendation with the following modifications: in Stipulation No. 1.c replacing "5-foot" with "3-foot", in Stipulation No. 3 striking completely, in Stipulation No. 8 adding the words "ingress and two egress" after the word "two" and adding an additional stipulation requiring signage and striping for pedestrian crossings and driveways.

Commissioner Gorraiz SECONDED the motion.

Ms. Racelle Escolar (staff) clarified that in the PUD narrative there was already a provision regarding pedestrian pathways that cross drive aisles, but no provision for signage. Her recommendation was to modify the stipulation that addresses the PUD narrative to include requirements for signage.

Chairman Gaynor asked staff to repeat the motion for clarification.

Ms. Escolar stated that there be an additional stipulation to require signage at the pedestrian crossing areas along the ingress and egress points on 81st Avenue.

Commissioners Matthews and Gorraiz agreed.

Motion details: Commissioner Matthews made a MOTION to approve Z-17-23-5, per the staff recommendation, with the following modifications: in Stipulation No. 1.c replacing “5-foot” with “3-foot”, in Stipulation No. 3 striking completely, in Stipulation No. 8 adding the words “ingress and two egress” after the word “two” and adding an additional stipulation requiring signage at the pedestrian crossing areas along the ingress and egress points on 81st Avenue.

Maker: Matthews

Second: Gorraiz

Vote: 7-1

Absent: Mangum

Opposition Present: No

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-3-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.
- ~~3.~~
- ~~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.
- ~~4.~~
- ~~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.
- ~~5.~~
- ~~7.~~ An enhanced pedestrian connection shall be provided on the southern site boundary to allow for direct pedestrian access to the adjacent transit stop.
- ~~6.~~
- ~~8.~~ The development shall be limited to no more than two **INGRESS AND TWO EGRESS** vehicular access points to 81st Avenue.
- ~~7.~~
- ~~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% shade coverage to the bus stop pad.
- ~~8.~~
- ~~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.
- ~~9.~~
- ~~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.
- ~~10.~~
- ~~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.
- ~~11.~~
- ~~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.
- ~~12.~~
- ~~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.
- ~~13.~~
- 14. SIGNAGE FOR PEDESTRIAN CROSSINGS SHALL BE PROVIDED AT THE INGRESS AND EGRESS POINTS ALONG 81ST AVENUE.**

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