

ATTACHMENT D

REPORT OF PLANNING COMMISSION ACTION April 13, 2023

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| ITEM NO: 5 | |
| | DISTRICT NO.: 8 |
| SUBJECT: | |
| | |
| Application #: | Z-72-22-8 (Elliot 202 PUD) (Companion Case GPA-LV-4-22-8) |
| Location: | Southeast corner of 59th Avenue and Elliot Road |
| From: | S-1 (Approved R1-6 PCD) and S-1 (Approved R-2 PCD) |
| To: | PUD |
| Acreage: | 65.85 |
| Proposal: | Planned Unit Development to allow commercial, commerce park, and multifamily residential. |
| Applicant: | IDM Companies |
| Owner: | Clyde David and Marsha Lou Smith, The Smith Trust dated May 30, 2003 |
| Representative: | Jason Morris, Withey Morris, PLC |

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Laveen 1/9/2023 Information only.

Laveen 2/13/2023 Information only.

Laveen 3/20/2023 Approval, per the staff recommendation with additional stipulations.

Vote: 8-0.

Planning Commission Recommendation: Approval, per the Laveen Planning Committee recommendation with an additional stipulation.

Motion Discussion: N/A

Motion details: Commissioner Busching made a MOTION to approve Z-72-22-8, per the Laveen Village Planning committee recommendation with an additional stipulation that prior to occupancy, the developer must provide a qualified engineer's report certifying the average annual interior noise exposure for any residential unit or enclosed public assembly area will not exceed 45 decibels.

Maker: Busching

Second: Mangum

Vote: 5-0

Absent: Gaynor, Gorraiz, Jaramillo, and Simon

Opposition Present: Yes

Findings:

1. The proposed development is compatible with the existing land use pattern in the area and is consistent with the proposed General Plan Land Use Map designation of Mixed Use (Commercial/ Commerce/Business Park) and Residential 15+ dwelling units per acre.

2. The proposed development 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 additional employment options, commercial services, and housing opportunities within the Loop 202 Freeway corridor.

Stipulations:

1. An updated Development Narrative for the Elliot 202 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 March 9, 2023, as modified by the following stipulations.

- a. Front Cover, add "City Council adopted: [Insert Adoption date]"
- b. Page 7, Section C. List of Uses, Development Unit 1, Prohibited Uses: Remove "Publicly operated buildings or properties" from this list.
- c. Page 7, Section C. List of Uses, Development Unit 1, Prohibited Uses: Add "Multifamily residential."
- d. Page 7, Section C. List of Uses, Development Unit 1, Performance Criteria for Distribution Uses, modify this section as follows:

No distribution and large-scale wholesale facilities are permitted as a primary use for a time period of 4 years from the date of rezoning approval.

* For the purposes of this PUD, "large-scale wholesale" is defined as wholesale as a primary use for an individual user occupying more than 50% of any individual building.

- e. Page 9, Development Standards – Development Unit 1, Parking Standards, add an Electric Vehicle Parking standards section with the following: Minimum Percentage of installed Level 2 EV Charging Stations. 2% of Required Parking. A minimum of 20 electric vehicle charging spaces shall be required for the overall development (DUs 1, 2, and 3).
- f. Page 9, Development Standards – Development Unit 1, Sidewalk and Trails, modify the SUP standards as follows:

A 10-foot wide detached concrete Shared Use Path (SUP) shall be provided along the west property line within a 20-foot wide Shared Use Path Easement (SUPE) or sidewalk easement to be dedicated to the city.
- g. Page 13, Development Standards – Development Unit 2, Maximum Density, Add the following:

Maximum 700 units for the overall PUD area
- h. Page 13, Development and Landscape Standards for Development Unit 2: Add the header "Development Standards – Development Unit 2" before development standards table.

- i. Page 13, Development Standards – Development Unit 2, Sidewalk and Trails, modify the SUP standards as follows:

A 10-foot wide detached concrete Shared Use Path (SUP) shall be provided along the west property line within a 20-foot wide Shared Use Path Easement (SUPE) or sidewalk easement to be dedicated to the city.

- j. Page 14, Development Standards – Development Unit 2, Parking Standards, add an Electric Vehicle Parking standards section with the following: Minimum Percentage of installed Level 2 EV Charging Stations: 2% of Required Parking. Minimum Percentage of EV Capable spaces: 5%. A minimum of 20 electric vehicle charging spaces shall be required for the overall development (DUs 1, 2, and 3).

- k. Page 16, Development Standards – Development Unit 3, Maximum Density, Add the following:

Maximum 700 units for the overall PUD area.

- l. Page 16, Development and Landscape Standards for Development Unit 3: Add the header “Development Standards – Development Unit 3” before the development standards table.

- m. Page 17, Development Standards – Development Unit 3, Sidewalk and Trails, modify the SUP standards as follows:

A 10-foot wide detached concrete Shared Use Path (SUP) shall be provided along the west property line within a 20-foot wide Shared Use Path Easement (SUPE) or sidewalk easement to be dedicated to the city.

- n. Page 17, Development Standards – Development Unit 3, Parking Standards, add an Electric Vehicle Parking standards section with the following: Minimum Percentage of installed Level 2 EV Charging Stations: 2% of Required Parking. Minimum Percentage of EV Capable spaces: 5%. A minimum of 20 electric vehicle charging spaces shall be required for the overall development (DUs 1, 2, and 3).

- o. Page 16, Development Standards – Development Unit 3, Building Setbacks, modify the South (Adjacent to Unit 2) to 15 feet.

- P. PAGE 24, DEVELOPMENT UNIT 2 AND DEVELOPMENT UNIT 3 DESIGN GUIDELINES, A. ARCHITECTURAL DESIGN, DESIGN GUIDELINES FOR APARTMENT AND CARRIAGE UNIT ELEVATIONS, MODIFY THE PUBLIC STREET ELEVATIONS AS FOLLOWS:

PUBLIC STREET FACING:
25% MIN. GLAZING AND METAL RAILING
10% MIN. BRICK VENEER
15% MIN. HARDIE PLANK
50% MAX. STUCCO

Q. PAGE 24, DEVELOPMENT UNIT 2 AND DEVELOPMENT UNIT 3 DESIGN GUIDELINES, A. ARCHITECTURAL DESIGN, DESIGN GUIDELINES FOR APARTMENT AND CARRIAGE UNIT ELEVATIONS, MODIFY AS FOLLOWS:

- APARTMENT ELEVATIONS SHALL FEATURE LARGE BALCONIES AND DEEP OVERHANGS TO VISUALLY CREATE LAYERED VOLUMES AND BREAK UP THE MASS OF EACH BUILDING TYPE.
- BALCONIES ARE ENCOURAGED TO ORIENT TOWARD THE STREETS, WHERE POSSIBLE.
- A MINIMUM OF THREE (3) APARTMENT BUILDING TYPES ARE PROVIDED.

R. PAGE 25, F. SIGNS, ADD THE FOLLOWING LANGUAGE AFTER THE FIRST PARAGRAPH:

- THERE SHALL BE A MAXIMUM OF TWO DIGITAL BILLBOARDS EACH AT A MAXIMUM HEIGHT OF 48 FEET.
- ANY OFF-PREMISE SIGN SHALL INCLUDE BRANDED SCREENING ON THE BACKSIDE.

pS. Page 26, Section G. Sustainability, 1. City Enforced Standards, move the third bullet point related to recycling to the Developer Goal section.

2. Page 27, Circulation Systems: Remove “future development to dedicate and construct all typical half street right-of way and roadways necessary to serve the development”.
3. The developer shall dedicate right-of-way and construct the south side of Elliot Road from 55th Avenue to the 202 Freeway, as required by the Tierra Montana Master Street Plan and as approved by the Planning and Development Department.
4. The developer shall dedicate right-of-way and fully construct 59th Avenue, as required by the Tierra Montana Master Street Plan and as approved by the Planning and Development Department.
5. The developer shall dedicate right-of-way and fully construct Carver Road, as required by the Tierra Montana Master Street Plan, and as approved by the Planning and Development Department.
6. The developer shall submit a Traffic Impact Study including a signal warrant analysis for this development at the intersection of 59th Avenue and Elliot Road. 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 cost and construction of traffic signal or If traffic signal is not warranted upon opening, the developer will be required to provide 50% contribution toward the traffic signal in an escrow account to the Street Transportation Department, as required by the approved traffic impact study.
7. The developer shall submit a sight distance analysis for all driveways located along 59th Avenue. Sight distance must comply with the Street AASHTO requirements and Transportation Departments Planning and Design Manual and as approved by the Street Transportation Department.

8. Existing irrigation facilities along public streets are to be undergrounded and relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish the appropriate process to relocate the facility.
9. 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.
10. A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along Carver Road and a minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement in accordance with the MAG supplemental detail and as approved by the Planning and Development Department.
11. A 20-foot-wide shared-use path easement (SUPE) shall be dedicated along the east side of 59th Avenue and a minimum 10-foot-wide shared used path (SUP) shall be constructed within the easement in accordance with the MAG supplement detail and as approved by the Planning and Development Department.
12. The property owner shall record documents that disclose the existence, and operational characteristics of Goodyear 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.
13. In the event archeological 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 Archeologist, and allow time for the Archeology Office to properly assess the materials
14. 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.
15. PRIOR TO OBTAINING A PERMIT FOR AN OFF-PREMISE SIGN (BILLBOARD), THE APPLICANT MUST EXECUTE AN AGREEMENT WITH THE CITY OF PHOENIX, OUTLINING THE UTILIZATION OF 50% OF THE NET PROFITS FROM THE PROPOSED BILLBOARDS WITH SPECIFIC REGARD TO THE FOLLOWING:
 - SUBSIDIZATION OF RENT FOR LAVEEN RESIDENTS VIA IDM CARES;
 - LAVEEN ELEMENTARY SCHOOL DISTRICT;
 - CITY OF PHOENIX PARKS OPERATIONS FOR OLNEY PARK NEAR THE INTERSECTION OF 59TH AND OLNEY AVENUES, AS MODIFIED AND APPROVED BY THE PARKS AND RECREATION DEPARTMENT.

THE 50% DONATION SHALL BE BROKEN DOWN INTO MINIMUM 25% OF REVENUE TO RENTAL ASSISTANCE AND MINIMUM 15% TO OLNEY PARK AS PART OF THE TOTAL 50%.

THE AGREEMENT SHALL REMAIN IN FORCE AS LONG AS THE BILLBOARDS ARE OPERATIONAL OR UNTIL A CONTRIBUTION AMOUNT OF TWO MILLION DOLLARS HAS BEEN DONATED.

- 16. PRIOR TO OCCUPANCY, THE DEVELOPER MUST PROVIDE A QUALIFIED ENGINEER'S REPORT CERTIFYING THE AVERAGE ANNUAL INTERIOR NOISE EXPOSURE FOR ANY RESIDENTIAL UNIT OR ENCLOSED PUBLIC ASSEMBLY AREA WILL NOT EXCEED 45 DECIBELS.**

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