

## Attachment E

### REPORT OF PLANNING COMMISSION ACTION January 7, 2021

ITEM NO: 13	
	DISTRICT NO.: 8
SUBJECT:	
Application #:	Z-15-20-8 (The Governor by Moderne PUD)
Location:	Approximately 370 feet west of the southwest corner of 18th Street and McDowell Road
From:	C-2 and R1-6
To:	PUD
Acreage:	2.86
Proposal:	Planned Unit Development to allow a mix of commercial and multifamily residential development
Applicant:	Berry Riddell - Wendy Riddell, Esq.
Owner:	WLD Housing, LLC - Les Litwin
Representative:	Berry Riddell - Wendy Riddell, Esq.

#### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Central City** 8/10/2020 Information only.

**Central City** 12/14/2020 Approval, per the staff recommendation. Vote: 11-3.

Planning Commission Recommendation: Approval, per the Central City Village Planning Committee recommendation.

Motion Discussion: N/A.

Motion details: Commissioner Mangum made a MOTION to approve Z-15-20-8, per the Central City Village Planning Committee recommendation.

Maker: Mangum  
Second: McCabe  
Vote: 8-0 (Conflict: Howard)  
Absent: None  
Opposition Present: No

#### **Findings:**

1. The proposed PUD will redevelop an underutilized property and provide a high quality mixed-use multifamily residential development which will help alleviate the housing shortage in Phoenix.
2. This proposal provides a mix of housing types and retail space for small businesses to operate in the Miracle Mile Historic District.

3. The proposal includes several development standards and design guidelines that exceed conventional Zoning Ordinance standards.

Stipulations:

1. An updated Development Narrative for The Governor 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 November 30, 2020, as modified by the following stipulations:
  - a. Front cover: Revise the date information on the cover page to add the following:  
1st Submittal: March 18, 2020  
2nd Submittal: July 14, 2020  
Hearing Draft: November 30, 2020  
City Council Adopted: TBD [Add Adoption Date]
  - b. Page 7, Lot Development Standards: Add the following under the Maximum Height "Maximum Density: 200 units"
  - c. Page 10, Streetscape Standards, Landscaping Provided Between Sidewalk and Curb, Secondary (Brill Street): Modify to "Minimum of 10 feet (to be provided within the right-of-way)."
  - d. Page 10, Streetscape Standards, Landscaping Provided Between Sidewalk and Building, Secondary (Brill Street): Replace with "Minimum of 0 feet (to be provided within the right-of-way)."
2. The applicant will deposit \$50,000 into an escrow account prior to issuance of any building permits to be used for rehabilitation grants for properties contributing to the eligible Miracle Mile Historic District. The Historic Preservation Officer will be given the authority to release the funds to any grant recipient upon the recipient's completion of rehabilitation work in accordance with the Secretary of Interior Standards for rehabilitation.
3. The developer shall provide funds in escrow not to exceed \$75,000.00 to fund a traffic control device such as a HAWK or traffic signal at the intersection of 18th Street and McDowell Road prior to preliminary site plan approval and as approved by the Street Transportation Department.
4. The developer shall dedicate right-of-way for a total of 50 feet for the entire property frontage along McDowell Road except where a minimum 40-foot dedication may be provided for a maximum of 110 feet linear on the easterly end of the property, if the historic building is preserved. A sidewalk easement may be provided in lieu of right of way to provide an enhanced and safe pedestrian environment, as approved by the Planning and Development and Street Transportation Department.

5. The developer shall construct a minimum 25-foot-wide driveway on Brill Street, limited to emergency access and vehicular egress only, as approved by the Street Transportation Departments.
6. The developer shall underground all overhead utilities along the property frontages.
7. No structural component of the building, ramps, stairs, retaining walls, permeant raised planters, may be located within the public right-of-way or sidewalk easement. Door swings into right-of-way shall comply with International Building Code.
8. The applicant shall submit a Traffic Impact Study/Statement to the City for this development. No preliminary approval of plans shall be granted until the study/statement is reviewed and approved by the City. Contact Mr. Matthew Wilson, Traffic Engineer III, (602) 262-7580, to set up a meeting to discuss the requirements of the statement/study. Upon completion of the TIS the developer shall submit the completed TIS to the Planning and Development Department counter with instruction to forward the study to the Street Transportation Department, Design Section.
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. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.
11. The property owner shall record documents that disclose the existence, and operational characteristics of 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.
12. The developer shall grant and record an avigation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
13. 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.
14. 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.

15. 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.

This publication can be made available in alternate format upon request. Please contact Tamra Ingersoll at (602) 534-6648, TTY use 7-1-1.