

ATTACHMENT D

REPORT OF PLANNING COMMISSION ACTION January 5, 2023

ITEM NO: 13	
	DISTRICT NO.: 8
SUBJECT:	
Application #:	Z-66-22-8
Location:	Northwest corner of 37th Street and McDowell Road
From:	C-1
To:	C-1 DNS/WVR
Acreage:	1.43
Proposal:	Multifamily residential with a density waiver.
Applicant:	3644 Atrium Lofts, LLC
Owner:	3644 Atrium Lofts, LLC
Representative:	Ashley Z Marsh, Gammage&Burnham, PLC

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Camelback East 12/6/2022 Approval, per the staff recommendation. Vote: 16-0.

Planning Commission Recommendation: Approval, per the Camelback East Village Planning Committee recommendation.

Motion Discussion: N/A

Motion details: Commissioner Gorraiz made a MOTION to approve Z-66-22-8, per the Camelback East Village Planning Committee recommendation.

Maker: Gorraiz
Second: Perez
Vote: 8-0
Absent: Mangum
Opposition Present: No

Findings:

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

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