

ATTACHMENT E

REPORT OF PLANNING COMMISSION ACTION December 5, 2024

ITEM NO: 6	
	DISTRICT NO.: 8
SUBJECT:	
Application #:	Z-22-24-8 (40th Street PUD)
Location:	Southeast corner of 40th Street and McDowell Road
From:	R1-6
To:	PUD
Acreage:	2.25
Proposal:	Planned Unit Development to allow multifamily residential
Applicant:	40 McDowell, LLC
Owner:	40 McDowell, LLC c/o Yasser Elshair
Representative:	Benjamin Graff, Quarles & Brady, LLP

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Camelback East 4/2/2024 Information only.

Camelback East 11/12/2024 Approval, per the staff recommendation with an additional stipulation. Vote: 10-4.

Planning Commission Recommendation: Approval, per the staff memo dated December 4, 2024.

Motion Discussion: N/A

Motion details: Commissioner Boyd made a MOTION to approve Z-22-24-8, per the staff memo dated December 4, 2024.

Maker: Boyd
Second: James
Vote: 8-0
Absent: Gorraiz
Opposition Present: No

Findings:

1. The proposal is consistent with the General Plan Land Use Map designation, and several General Plan and city goals/policies.
2. The proposal will develop an underutilized site and provide additional housing options consistent with the 44th Street Corridor Specific Plan.
3. The proposed PUD sets forth design and development standards that will facilitate pedestrian-oriented design and promote a safer walking and bicycling environment.

Stipulations:

1. An updated Development Narrative for the 40th Street 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 October 3, 2024, as modified by the following stipulations:
 - a. Front cover: Revise the date information on the cover page to the following: City Council Adopted: [Add Adoption Date].
 - b. Page 9, Development Standards, Maximum Density: Update to 34.67 du/acre.
 - c. Page 10, Streetscape Standards, c. 40th Street Bypass: Delete item 4 related to the landscape planting standards.
 - d. Page 11, Parking Standards, a. Minimum Resident Parking Standards: Add On-street parking shall be for public use only, including residents, and may not be counted towards the required parking spaces for the site.
 - e. Page 14, Design Guidelines: Add following items into a Water Conservation section.
 - Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought Tolerant Plan list shall be utilized, as approved or modified by the Planning and Development Department.
 - Natural turf shall only be utilized for required retention areas (bottom of basin) and functional turf areas within common areas, as approved by the Planning and Development Department.
 - Landscaping shall be maintained by permanent and automatic/water, efficient WaterSense labeled irrigation controllers (or similar smart controllers) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
 - Pressure regulating sprinklers heads and/or drip irrigation lines shall be utilized in any turf areas to reduce water waste.
 - f. Tab B: Conceptual Site Plan Exhibit: Delete on-street parking. As noted in 1.d. the on-street parking is for public use only and does not count toward the required parking.
 - g. PAGE 1413, E. DESIGN GUIDELINES:, E.1 DESIGN GUIDELINES, A. EXTERIOR MATERIALS, ADD THE FOLLOWING LANGUAGE:

8. BALCONY RAILINGS FOR EACH UNIT SHALL PROVIDE SCREENING FOR RESIDENTIAL PRIVACY AND CONFORM TO THE BUILDING'S MATERIALS, TREATMENTS, AND ARTICULATION.
2. Right-of-way shall be retained and the bus stop pad shall be reconstructed on eastbound McDowell Road. The bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet and a minimum length of 40 feet. The bus stop pad shall be spaced from 40th Street according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide a minimum 50% shade coverage to the bus stop pad.

3. A minimum of 50 feet of right-of-way shall be dedicated and constructed for the southern half of McDowell Road, as approved by the Planning and Development Department.
4. The developer shall submit a Traffic Impact Study for this development, 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 any dedications, funding and construction of all recommendations in the study.
5. Unused driveways shall be replaced with sidewalk, curb and gutter. Also, any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets shall be replaced and all off-site improvements shall be upgraded to be in compliance with current ADA guidelines.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.

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