

Attachment F

REPORT OF PLANNING COMMISSION ACTION June 6, 2019

ITEM NO: 8	
	DISTRICT NO.: 8
SUBJECT:	
Application #:	Z-19-18-8 (40 East PUD)
Location:	Northwest corner of 41st Place and McDowell Road
From:	R1-6, C-2, and C-2 SP
To:	PUD
Acreage:	1.93
Proposal:	Planned Unit Development to allow mixed uses (commercial and multifamily residential)
Applicant:	Rodney Q. Jarvis, Earl, Curley & Lagarde, PC
Owner:	Michael Allayev, Real Estate & More, LLC
Representative:	Rodney Q. Jarvis, Earl, Curley & Lagarde, PC

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Camelback East 8/8/2018 Information Only.

Camelback East 5/7/2019 Approval, per staff recommendation with modifications and additional stipulations. Vote: 13-0.

Planning Commission Recommendation: Approval, per the Addendum A Staff Report, with an additional stipulation and a modified stipulation.

Motion Discussion: Commissioner Glenn made a MOTION to approve Z-19-18-8, per the Addendum A Staff Report, with the additional staff recommended standard Proposition 207 waiver of claims stipulation and a modification to Stipulation No. 7 concerning constructing a bus pad that will meet the City of Phoenix Standard Detail P1260.

Commissioner Glenn stated that he is striking the dedication of the right-of-way, making the bus pad ADA compliant, and keeping the bus shelter.

Commissioner Howard offered a friendly amendment of not changing the depth and width of the bus pad.

Commissioner Glenn accepted the friendly amendment.

The applicant voiced concern of not meeting the Standard Detail P1260.

Chairman Johnson clarified Commissioner Howard's friendly amendment that its intent is to not exceed the current depth and width of the current depth and width of the bus pad.

The applicant, Commissioner Howard and Commissioner Glenn agreed with the clarification.

Commissioner Glenn revised his motion to include; modification to Stipulation No. 7 to not exceed the current depth and width of the current bus pad.

Commissioner Gorraiz seconded the motion.

Motion details: Commissioner Glenn made a MOTION to approve Z-19-18-8, per the Addendum A Staff Report, with an additional stipulation as read into the record and a modification to Stipulation No. 7 to read that the applicant will construct a bus pad on westbound McDowell Road west of 41st Place that will meet the Phoenix Standard Detail P1260, keep the bus shelter, and not exceed the depth and width of the current bus pad.

Maker: Glenn
Second: Gorraiz
Vote: 9-0
Absent: None
Opposition Present: No

Findings:

1. The proposal is consistent with several General Plan policies and allows for the adaptive reuse of a currently underutilized existing building.
2. The proposal includes design guidelines that exceed conventional Zoning Ordinance standards, are compatible with the character of the surrounding area, and promote the vision of the 44th Street Corridor Specific Plan.
3. The proposed development standards will ensure consistency in scale and character with the surrounding land use pattern.

Stipulations:

1. An updated Development Narrative for the 40 East 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 April 22, 2019, as modified by the following stipulations:
 - a. Front Cover: Revise the submittal date information on the bottom to add the following: City Council adopted: [Add adoption date]
 - b. Page 18, G. Development Standards, Landscape Standards: Revise the Landscape Setback Standards Exhibit to depict a minimum landscape setback of 5 feet along the north property line adjacent to the pool amenity area.
 - c. All references to commercial parking requirements shall be revised to be in compliance with Section 702 of the Phoenix Zoning Ordinance.
2. The developer shall submit a Traffic Impact Statement to the City prior to preliminary approval of plans, as approved by the Planning and Development Department.

- ~~3. The developer shall dedicate a 10-foot wide sidewalk easement on the north side of McDowell Road for the length of the property except for the approximately 155-foot distance where the existing building is located, as approved by the Planning and Development Department.~~
3. THE DEVELOPMENT SHALL BE IN GENERAL CONFORMANCE TO THE SITE PLAN IN THE PUD DEVELOPMENT NARRATIVE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
4. ANY REQUESTS TO MODIFY OR DELETE STIPULATIONS SHALL BE PRESENTED BEFORE THE CAMELBACK EAST VILLAGE PLANNING COMMITTEE PRIOR TO THE PLANNING HEARING OFFICER HEARING.
5. A MINIMUM OF 20 BICYCLE PARKING SPACES SHALL BE PROVIDED AND MORE IF THE OWNER CAN ACCOMMODATE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
- 4.6. 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.
- ~~5.7. IF THE BUS PAD IS MOVED FROM IT'S CURRENT LOCATION the developer shall retain right of way and construct one new bus pad on westbound McDowell Road west of 41st Place which shall be compliant with City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. The bus stop pad shall be placed from the intersection of McDowell Road and 41st Place according to City of Phoenix Standard Detail P1258, as approved by the Public Transit AND PLANNING AND DEVELOPMENT DEPARTMENT.~~
- ~~7. PUBLIC TRANSIT DEPARTMENT WILL REQUIRE DEDICATION OF RIGHT-OF-WAY AND NEW CONSTRUCTION OF ONE BUS PAD ON WESTBOUND MCDOWELL ROAD WEST OF 41ST PLACE. THE BUS STOP PAD SHALL BE COMPLIANT WITH CITY OF PHOENIX STANDARD DETAIL P1260 AND THE LOCATION SHALL BE APPROVED BY THE PUBLIC TRANSIT DEPARTMENT.~~
7. THE APPLICANT WILL CONSTRUCT A BUS PAD ON WESTBOUND MCDOWELL ROAD WEST OF 41ST PLACE THAT WILL MEET THE CITY OF PHOENIX STANDARD DETAIL P1260, KEEP THE BUS SHELTER, AND NOT EXCEED THE DEPTH AND WIDTH OF THE CURRENT BUS PAD.
- 6.8. The developer shall record a Notice to Perspective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property.
- ~~7.9. 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 IN A FORM APPROVED BY THE CITY

ATTORNEY'S OFFICE. 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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